S. HRG. 99-730

INDIAN EDUCATION ACT

HEARING

BEFORE THE

SELECT COMMITTEE ON INDIAN AFFAIRS
UNITED STATES SENATE

NINETY-NINTH CONGRESS

SECOND SESSION

ON

S. 830

TO AMEND THE INDIAN EDUCATION ACT AND OTHER ACTS RELATING TO INDIAN EDUCATION

JUNE 12, 1986
WASHINGTON, DC

U.S. GOVERNMENT PRINTING OFFICE
62-071 O WASHINGTON : 1986

For sale by the Superintendent of Documents, Congressional Sales Office
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S411-17

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TO AMEND THE INDIAN EDUCATION ACT AND OTHER ACTS RELATING TO INDIAN EDUCATION

THURSDAY, JUNE 12, 1986

U.S. SENATE,
SELECT COMMITTEE ON INDIAN AFFAIRS,
Washington, DC.

The committee met, pursuant to notice, at 9:45 a.m., in room 485, Russell Senate Office Building, Hon. Daniel K. Inouye (acting chairman of the committee) presiding.

Present: Senator Inouye.

Staff present: Peter S. Taylor, staff director; Max Richtman, minority staff director; and Mary Jane Wrenn, specialist counsel.

Mr. INOUYE [acting chairman]. The meeting will please come to order.

At the outset I'd like to apologize for this slight delay. We had a special Senate leadership meeting that I had to attend.

I have no delusions about the controversial nature of this bill, nor do I perceive any course of action available to the Hawaiian people than that of bringing their plight to the public arena, to press for legislation, and to assert their native American status.

There are two urgent areas of concern for the Hawaiians. One is health, which this committee in its wisdom and concern, addressed in S. 2242, a bill to improve the health status of native Hawaiians, and reported out. The other is education, which provides a means for Hawaiians to extricate themselves from a negative self-image and allow them to compete on equal footing with their peers.

It was never the intent of this nor any other bill that the Hawaiian people profit at the expense of other needy peoples, especially those with whom, in terms of historical and cultural circumstances, they share a spiritual kinship. Rather, the issue for the Hawaiians is one of self-preservation and self-determination. The objections to including Hawaiians concern money and the perceived endangerment of a trust relationship that this or any other bill which links native Hawaiians and American Indians threatens.

S. 830 has been at least 10 years in the making. It has had a long and arduous history. This committee has held hearings on Hawaiian education both here in Washington as well as in the State of Hawaii. As a result, a study was ordered by Congress to assess the education needs of the Hawaiians. The findings reinforced the critical and imminent need to rectify the deteriorating learning conditions for Hawaiian youngsters.

[The text of S. 830 follows:]

II

99TH CONGRESS
1ST SESSION

S. 830

To amend the Indian Education Act and other Acts relating to Indian Education.

IN THE SENATE OF THE UNITED STATES

APRIL 2 (legislative day, FEBRUARY 18), 1985

Mr. MELCHER (for himself, Mr. INOUYE, and Mr. MATSUNAGA) introduced the following bill; which was read twice and referred to the Select Committee on Indian Affairs

---

A BILL

To amend the Indian Education Act and other Acts relating to Indian Education.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SPECIAL EDUCATIONAL TRAINING AND STUDENT FELLOWSHIPS

SECTION 1. (a) Section 422 of the Indian Education Act (20 U.S.C. 3385a) is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

"(c)(1) From the funds reserved under paragraph (2), the Secretary shall make grants to, or enter into contracts with, organizations recognized by the Governor of the State of Hawaii which primarily serve and represent Hawaiian natives for the purpose of conducting and administering programs, or portions of programs, that benefit Hawaiian natives and are consistent with the purposes of this section.

"(2) Of the funds appropriated under the authority of subsection (d), the Secretary shall reserve 25 percent for the purpose of carrying out the provisions of paragraph (1).".

(b) Section 423 of the Indian Education Act (20 U.S.C. 3385b) is amended by redesignating subsection (d) as subsection (e) and by inserting after subsection (c) the following new subsection:

"(d)(1) From the funds reserved under paragraph (2), the Secretary shall make grants to, or enter into contracts with, organizations recognized by the Governor of the State of Hawaii which primarily serve and represent Hawaiian natives for the purpose of conducting and administering programs, or portions of programs, that benefit Hawaiian natives and are consistent with the purposes of this section.

"(2) Of the funds appropriated under the authority of subsection (e), the Secretary shall reserve 25 percent for the purpose of carrying out the provisions of paragraph (1).".

OFFICE OF NATIVE AMERICAN EDUCATION

SEC. 2. (a) Section 441 of the Indian Education Act (20 U.S.C. 1221f) is amended—

(1) by striking out "Office of Education" and inserting in lieu thereof "Department of Education",

(2) by striking out "Indian Education" each place it appears and inserting in lieu thereof "Native American Education", and

(3) by striking out "Deputy Commissioner" and inserting in lieu thereof "Deputy Secretary".

(b) Section 442 of the Indian Education Act (20 U.S.C. 1221g) is amended—

(1) by striking out "Indian Education" in subsection (a) and inserting in lieu thereof "Native American Education",

(2) by striking out "Indians and Alaska Natives" in subsection (a) and inserting in lieu thereof "Native Americans",

(3) by inserting "Native American organizations, and the Governor of the State of Hawaii" after "tribes and organizations," in subsection (a),

(4) by striking out "Health, Education, and Welfare" in subsection (b)(3) and inserting in lieu thereof "Education", and

(5) by striking out "Indian" in subsection (b) and inserting in lieu thereof "Native American".

MISCELLANEOUS AMENDMENTS TO INDIAN EDUCATION ACT

SEC. 3. (a) Section 453 of the Indian Education Act (20 U.S.C. 1221h) is amended to read as follows:

"DEFINITIONS

"SEC. 453. For purposes of this title—

"(1) The term 'Secretary' means the Secretary of Education.

"(2) The term 'Native American' means any Indian or Hawaiian native.

"(3) The term 'Indian' means any individual—

"(A) who is a member of an Indian tribe, band, or other organized group of Indians, including those tribes, bands, or groups terminated since 1940, and those recognized by the State in which they reside, or who is a descendant, in the first or second degree, of any such member,

"(B) who is considered by the Secretary of the Interior to be an Indian for any purpose,

"(C) who is an Eskimo, Aleut, or other Alaska Native, or

"(D) who is determined to be an Indian under regulations prescribed by the Secretary after consultation with the National Advisory Council on Native American Education, the Secretary of the Interior, and the Secretary for Health and Human Services.

"(4) The term 'Hawaiian native' means any individual any of whose ancestors were natives, prior to 1778, of the area which now comprises the State of Hawaii.".

(b)(1) The Indian Education Act is amended by striking out "Indian" each place it appears in the section headings, part headings, and title heading thereof and inserting in lieu thereof "Native American".

(2) The heading for part C of the Indian Education Act is amended by striking out "INDIANS" and inserting in lieu thereof "NATIVE AMERICANS".

(c) The Indian Education Act is amended by striking out "Commissioner" each place it appears and inserting in lieu thereof "Secretary".

(d) Section 401 of the Indian Education Act (20 U.S.C. 241aa, note) is amended by striking out "Indian" and inserting in lieu thereof "Native American".

GRANTS FOR THE EDUCATION OF NATIVE HAWAIIANS

SEC. 4. (a) Subparagraph (A) of section 303(a)(2) of the Indian Elementary and Secondary School Assistance Act (20 U.S.C. 241bb(a)(2)(A)) is amended by inserting "which remain after the amounts that are required to be reserved under subsection (d)(2) have been reserved for such fiscal year" after "section 307(a) for any fiscal year".

(b) Section 303 of the Indian Elementary and Secondary School Assistance Act (20 U.S.C. 241bb) is amended by adding at the end thereof the following new subsection:

"(d)(1) Notwithstanding any other provision of this title, from the funds reserved under paragraph (2), the Secretary shall make grants to, or enter into contracts with, organizations recognized by the Governor of the State of Hawaii which primarily serve and represent Hawaiian natives for the purpose of conducting and administering programs, or portions of programs, that benefit Hawaiian natives and are consistent with the purposes of this title.

"(2) Of the funds appropriated under the authority of section 307, the Secretary shall reserve 25 percent for the purpose of carrying out the provisions of paragraph (1).

"(3) For purposes of this subsection, the term 'Hawaiian native' means any individual any of whose ancestors were natives, prior to 1778, of the area which now comprises the State of Hawaii.".

(c) Section 301 of the Indian Elementary and Secondary School Assistance Act is amended by striking out "Indian" and inserting in lieu thereof "Native American".

(d) The heading for title III of the Act of September 30, 1950 (64 Stat. 1100; chapter 1124) is amended by striking out "INDIAN" and inserting in lieu thereof "NATIVE AMERICAN".

IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES

SEC. 5. (a) Section 1005 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3385) is amended—

(1) by striking out "Indian Elementary and Secondary" each place it appears in subsection (e)(1) and inserting in lieu thereof "Native American Elementary and Secondary",

(2) by striking out "Commissioner" in subsection (a) and inserting in lieu thereof "Secretary of Education (hereinafter in this section referred to as the Secretary)",

(3) by striking out "Commissioner" each place it appears and inserting in lieu thereof "Secretary", and

(4) by striking out "INDIAN" in the heading and inserting in lieu thereof "NATIVE AMERICAN".

(b) Section 1005 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3386) is amended by redesignating subsection (g) as subsection (h) and inserting after subsection (f) the following new subsection:

"(g)(1) From the funds reserved under paragraph (2), the Secretary shall make grants to, or enter into contracts with, organizations recognized by the Governor of the State of Hawaii which primarily serve and represent Hawaiian natives for the purpose of conducting and administering programs, or portions of programs, that benefit Hawaiian natives and are consistent with the purposes of this section.

"(2) Of the funds appropriated under the authority of subsection (h), the Secretary shall reserve 25 percent for the purpose of carrying out the provisions of paragraph (1).

"(3) For purposes of this subsection, the term 'Hawaiian native' means any individual any of whose ancestors were natives, prior to 1778, of the area which now comprises the State of Hawaii.".

EDUCATIONAL OPPORTUNITIES FOR NATIVE AMERICAN ADULTS

SEC. 6. Section 315 of the Adult Education Act (20 U.S.C. 1211a) is amended—

(1) by striking out "INDIANS" in the heading and inserting in lieu thereof "NATIVE AMERICANS", and

(2) by redesignating subsection (e) as subsection (f) and inserting after subsection (d) the following new subsection:

"(e)(1) From the funds reserved under paragraph (2), the Secretary shall make grants to, or enter into contracts with, organizations recognized by the Governor of the State of Hawaii which primarily serve and represent Hawaiian natives for the purpose of conducting and administering programs, or portions of programs, that benefit Hawaiian natives and are consistent with the purposes of this section.

"(2) Of the funds appropriated under the authority of subsection (f), the Secretary shall reserve 25 percent for the purpose of carrying out the provisions of paragraph (1).

"(3) For purposes of this subsection, the term 'Hawaiian native' means any individual any of whose ancestors were natives, prior to 1778, of the area which now comprises the State of Hawaii.".

○

Mr. **Inouye**. It may take another 10 years and another generation of young Hawaiians striving to overcome overwhelming odds before their educational needs are appropriately addressed in a comprehensive manner. And time is against the Hawaiian.

We will hear described today some of the many efforts made by the Hawaiian community to meet the serious educational problems faced by Hawaiians. As worthy as these efforts are, they require the support and assistance of the Federal Government if they are to meaningfully affect the lives of all Hawaiians in need.

It is my hope that this hearing will help advance our legislative efforts to aid Hawaiians and rectify our Government's sad history of neglect.

Having studied the list of those invited to testify at this hearing, it is regrettable to observe that several national Indian organizations, specifically the National Indian Education Association, the National Advisory Council on Indian Education, and the National Congress of American Indians were not able to send representatives to testify. We would have welcomed their viewpoints, as the main focus of this hearing is to provide a forum so that together we can work toward a viable solution. Likewise, we would have appreciated their attention to the merits of this legislation.

I am pleased, however, that each of these major organizations will be submitting testimony for the record and look forward to their comments.

We have several witnesses who have traveled long distances to testify before this committee, and we will begin our proceedings by first calling upon the Honorable Cecil Heftel, Member of the U.S. House of Representatives from the State of Hawaii.

Congressman Heftel.

We also have with us the Honorable Daniel Akaka, Member of the U.S. House of Representatives, representing the State of Hawaii.

Gentlemen, welcome.

STATEMENT OF HON. CECIL HEFTEL, MEMBER OF CONGRESS FROM HAWAII

Mr. **Heftel**. Mr. Chairman and distinguished members of the committee, I appreciate this opportunity to testify before you today in support of S. 830, to provide Federal funding for programs to improve the education and academic achievement of native Hawaiians.

I would like first to personally welcome the witnesses who have come from Hawaii to testify on behalf of this bill. As you know, Mr. Chairman, you and the committee will be able to hear firsthand today from the experts who have had extensive experience with the educational needs of native Hawaiians, and are highly qualified to make recommendations to help implement educational programs designed to improve the academic performances of our Hawaiian youngsters.

Educational studies on children of Hawaiian ancestry have firmly established that these students consistently score below the national median in reading and math, and are also below the academic norms of children in other ethnic groups in Hawaii. Their problems stem from economic, physical, and other environmental factors, and result in special academic needs. Standard education programs in schools are not sufficient to satisfy these needs and special assistance is required in order for these children to realize their full academic potential.

To improve the submedian academic trends of native Hawaiian children, the Kamehameha Schools have funded a long-term research and development effort which resulted in the Kamehameha Elementary Education Program, an acronym for which is KEEP.

KEEP has proved to be a very effective reading program developed for at-risk Hawaiian children or those who consistently score below average compared to national norms. KEEP studies the child's early learning style and develops an academic program compatible to those styles. Children participate in the program for 3 years and test results have shown that participants have test scores at or near the national median. There also has been a great deal of satisfaction with the program from teachers, parents, and children. KEEP has been so successful that it is currently being used for other at-risk students such as the Navajo children in Rough Rock, AZ.

The State of Hawaii and the Kamehameha Schools have worked cooperatively to bring KEEP to the Hawaii public schools to benefit as many children as possible. The addition of Federal funding along with State and private funds would greatly expand KEEP and will assist the native Hawaiian children throughout the State reach academic parity with their local and national peers.

S. 830 and H.R. 4124, companion legislation which we have introduced, would amend the Indian Education Act and other laws relating to Indian education to extend Federal funding to native Hawaiians for educational programs such as KEEP. The bills provide money to expand the program to more native Hawaiian children throughout the State and also to other at-risk children nationwide. I strongly support this effort to address the educational needs of native Hawaiian children and further develop their academic potential, and urge the committee to listen closely as the experts here today describe their knowledge and experiences.

The Federal Government has a responsibility to provide the best educational opportunities possible for all of its citizens. Clearly standard educational methods are not working with native Hawaiian children and they need alternate methods of instruction. Together the State of Hawaii and the Kamehameha Schools have already made a successful effort to help native Hawaiian students, and S. 830 will require the Federal Government to fulfill its commitment to education. A private, State, and Federal partnership to assist successful programs such as KEEP can only improve the performance of Hawaiian students, which in turn benefits the entire Hawaiian community and the Nation.

And, finally, I would like to observe the leadership that the chairman here today has exhibited, the great efforts that he has been making on behalf of native Hawaiian people and children, and one further observation which pains me somewhat. When Indian legislation was originally enacted for their benefit, they received the wholehearted support of Hawaiian people, the State of Hawaii, and most certainly our delegation.

I think it is unfortunate that we've not had the cooperation of those representing the interests of the native Indians in the sense that the native Hawaiians have the same needs and they have not yet been met. I want to be sure that I share my great enthusiasm for the leadership that the chairman, on behalf of the children of Hawaii and his role in the Senate, has exhibited.

Thank you.

Mr. INOUYE. Congressman, your gracious words are most appreciated by the Chair. I'd like to assure you that your statement will be studied very carefully. We thank you for your interest in and your concern and support for this measure. It will be very important to all of us.

Thank you very much.

Now may I call upon Congressman Akaka?

STATEMENT OF HON. DANIEL AKAKA, MEMBER OF CONGRESS FROM HAWAII

Mr. AKAKA. Mr. Chairman, I would like to take this opportunity to thank you and the members of the Select Committee on Indian Affairs for holding this hearing today. I also want to convey my aloha to those who journeyed here to Washington, DC, from Hawaii to represent the Hawaiian educational needs.

Your actions today, Mr. Chairman, represent a keen sensitivity to the needs of native Hawaiians.

S. 830 is a measure which amends the Indian Education Act and other acts relating to Indian education. In particularly the bill would expand the authority of the Indian Education Act and other possible legislative proposals to improve the quality of educational services for native Hawaiians.

In my opinion, this measure is of great importance to native Hawaiians and I offer my wholehearted support for its favorable consideration by the select committee.

That persons of native Hawaiian ancestry have suffered disproportionately from educational inequality for some time has been clearly documented. Six years ago Congress authorized the creation of a commission to study and report on native Hawaiian education needs. Although the legislation was rescinded—a consequence of the Budget Reconciliation Act of 1981—a commission was nevertheless established and the report, the native Hawaiian educational assessment project, was generously completed by the Kamehameha Schools/Bernice Pauahi Bishop Estate at no public expense. The final report was submitted to the Department of Education in July 1983.

It was the goal of the commission to identify the unique educational needs of native Hawaiians, and after extensive statistical study it was concluded that:

Overall, native Hawaiians score below parity with national norms on standardized achievement tests. Furthermore, while native Hawaiian students in general continue to score below parity with national groups, the disparity with other local groups is even greater.

Native Hawaiians are disproportionately represented in many negative social and physical statistics, indicative of special educational needs. Lower educational achievement among native Hawaiians has been found to relate to lower socioeconomic outcomes. Indeed, educational needs of native Hawaiians are inextricably interwoven with other social and physical needs. Many of these have either direct educational spinoff effects or are themselves conditions which could be alleviated through educational means; and,

Native Hawaiian students have educational needs which are related to their unique cultural situation.

In addition, Mr. Chairman, the commission concluded that the problems of Hawaiian children are very similar to those of Indian children, and that programs already established for Indians could benefit Hawaiians.

Clearly, the results of this study illustrate the appropriateness of Congress to take action to respond to the needs of native Hawaiians.

Mr. Chairman, S. 830 is a sensible approach to the resolution of the educational plight of native Hawaiians. I commend Senator Melcher, I commend you, Mr. Chairman, and I commend Senator Matsunaga for recognizing and developing this approach. Likewise, I commend the select committee for its sincere interest in this measure.

Thank you very much, Mr. Chairman.

Mr. **INOUYE**. I thank you very much, Congressman. You are undoubtedly one of the most distinguished leaders of native Hawaiian ancestry, and your service in Congress has served as an inspiration to young native Hawaiians, a service which I think will bring much more glory than that of your great predecessor Prince Koheo, and should serve as a peer model for many generations of native Hawaiians.

I would hope that this measure will pass, as you have indicated, to provide the opportunities so that someday another native Hawaiian can be sitting there succeeding you.

I thank you very much, sir.

Mr. **AKAKA**. Thank you very much.

Mr. **HEFTEL**. Thank you.

Mr. **INOUYE**. Thank you, Congressman Heftel.

We next have a panel consisting of the trustee of the Kamehameha Schools, Mr. Myron B. Thompson; the director of the center for the study of reading, University of Illinois at Urbana, Champaign, Dr. Richard Anderson; the superintendent of the Department of Education of the State of Hawaii, Dr. Francis Hatanaka; the acting vice president for academic affairs, University of Hawaii, Dr. Anthony J. Marsella.

Gentlemen, welcome.

STATEMENT OF MYRON B. THOMPSON, TRUSTEE, KAMEHAMEHA SCHOOLS/BISHOP ESTATE, HONOLULU, HI

Mr. **THOMPSON**. Good morning, Senator.

I would like to thank you and your committee for holding this hearing. I'd also like to thank our congressional delegation for its wholehearted support of Senate bill 830. I'm aware of the fact that Senator Matsunaga will be testifying at a later time.

Mr. Chairman, my name is Myron Thompson. I am trustee of the Kamehameha Schools, an educational institution located in Honolulu.

The issue before us today has a long history. The educational needs of native Hawaiians have been well documented and have been presented to your committee. The findings are hauntingly similar to those of the National Study of American Indian Education conducted during the late 1960's. That study and its recommendations led directly to the Indian Education Act of 1972. S. 830 gives the U.S. Congress the opportunity again to take action to address native Hawaiian educational needs.

Mr. Chairman, in 1984 I presented to your committee recommended programs for the identified educational needs of native Hawaiians. Today I would like to highlight one of our recommended programs which could be effectively implemented under this act. This is a highly successful reading program for elementary school students called the Kamehameha Elementary Education Program, or KEEP.

Other members of this distinguished panel today will more fully describe KEEP and its positive evaluations by teams of national experts.

The heart of KEEP is a process which utilizes knowledge of the at-risk child's early learning styles in order to develop classroom instruction compatible with those styles. This approach is now being tried on a cooperative, experimental basis with Navajo children in Rough Rock, AZ.

In operation now in Hawaii is a demonstration school and several pilot dissemination sites in the public school system. Costs have been borne by the Kamehameha Schools, and the Department of Education as well as the University of Hawaii have also been supportive of our efforts. Federal funding is required for full implementation of KEEP in the public schools of the State of Hawaii.

S. 830 offers amendments to the Indian Education Act which would permit the development of this promising private-public partnership.

Mr. Chairman, in supporting this bill, I want to add that we fully support all Indian education programs and all efforts on behalf of other native Americans who suffer from educational and social inequities.

Thus, it is important that funding be increased proportionately so that the inclusion of native Hawaiians in this effort in no way reduces funds for the other Indian and native groups.

Senator Inouye, I thank you for this opportunity to testify in support of S. 830, and the other panel members will now present their testimony, and then we will be happy to answer any questions you may have.

I'd like to call upon Dr. Richard Anderson. Dr. Anderson was the chairperson of the KEEP evaluation visiting team of January 1986. He is a professor and director of the center for the study of reading at the University of Illinois, Champaign, IL.

Dr. Anderson?

His topic is "KEEP Reading and Language Arts Curriculum Need for Expansion."

Mr. **Inouye.** Before the doctor testifies, it is so important that I'd like once again to reiterate what you have stated in your closing paragraph and to publicly provide my assurances.

I would like to assure my native American Indian friends that every effort will be made to increase proportionately funding so that the inclusion of native Hawaiians in this effort will in no way reduce funds for other Indian and native groups. That is a solemn promise. As a member of the Appropriations Committee, I will do everything I can to bring this about.

[Prepared statement of Mr. Thompson appears in the appendix.]

Mr. **Inouye.** Dr. Anderson.

STATEMENT OF RICHARD ANDERSON, DIRECTOR, CENTER FOR THE STUDY OF READING, UNIVERSITY OF ILLINOIS AT URBANA, CHAMPAIGN, IL

Mr. **Anderson.** Thank you very much, Senator Inouye.

Thank you for the opportunity to testify today. I'm going to briefly summarize my written testimony.

Mr. **Inouye.** Without objection, all of your statements will be made a part of the record in total.

Mr. **Anderson.** In January a group of experts, whose names are listed in my written testimony, and I went to Hawaii, where we spent 1 week examining records and test scores, visiting schools all over the State where KEEP was in progress, conducting systematic observation on about 50 classrooms, and talking with teachers, school principals, and parents. We came to the following conclusions:

Without special intervention, Hawaiian children will typically score at about the 25th to 30th percentile on standardized tests. As a result of KEEP over the last 10 years, these children now consistently score at or near our national norms; that is, at about the 50th percentile.

We were impressed that our personal observation of classrooms confirmed for us the vigor and vitality of this program. We were also impressed with the high level of parent satisfaction, and the attention and intellectual excitement among the children.

The program appears to us to be successful for several reasons: First, because of our carefully crafted procedures for maintaining a disciplined, orderly work environment in classrooms; second, because of our techniques for holding intellectually stimulating discussions with children; and third, because of our adaptation to individual needs. Instead of a single assignment that every child does at his or her seat, there are individualized assignments which the children complete by working cooperatively together in learning centers.

The success of this program is also notably due to the careful training of teachers and to the continuing help for teachers. We believe this is why the positive effects of the program have persisted over time.

Innovations here and there throughout the country have gotten good effects for a short period of time, but sustaining those effects and getting them in remote sites has often been difficult. KEEP has managed to achieve this.

So I would say, in conclusion, that native Hawaiians are not asking for dollars to throw to the winds. They have a proven intervention which can substantially increase the educational attainment of Hawaiian youngsters who otherwise are at risk for educational failure.

[Prepared statement of Mr. Anderson appears in the appendix.]

Mr. **Inouye**. Do you have any evidence to report as far as your project in Arizona, was it?

Mr. **Thompson**. Yes; our project in Arizona started 2 years ago, Mr. Chairman.

Mr. **Inouye**. Do you have any encouraging results from that?

Mr. **Thompson**. The encouraging part of that project is that the staff from that school have continued to seek out consultation from our organization and training from our staff. So the relationship continues.

As to the functioning of the youngsters at this point in time, I don't know—I personally don't have any information, but I can ask our staff to gather that information and submit it to your committee.

[Information referred to follows:]

The following summarizes our findings to date. In summary, they are:

1. Great progress has been made in designing a Navajo version of KEEP.
2. We have succeeded in fully training one teacher and two aides, one administrator, and in giving partial training to the entire Rough Rock Elementary School faculty of teachers and aides.
3. KEEP small-group comprehension instruction has been adopted for Rough Rock's entire Chapter One program.
4. Rough Rock, starting last year, oriented its Chapter One training grant around KEEP. At their expense, they brought our teacher-trainer to Arizona, and sent two of their staff to Honolulu for further training. The Chapter One office of the Navajo Nation, and the Chapter One office of the BIA (Washington) have visited and approved the program for Navajo children.

Mr. **Inouye**. Well, Dr. Anderson, your conclusion is that moneys would be well spent in this project?

Mr. **Anderson**. Absolutely. In fact, my commission recommended expansion of this program to reach all or most of the poor Hawaiian children at risk for educational failure. We believe that it's a program, a proven program, which can now be put into practice in the 20 or 25 schools throughout Hawaii where there are large concentrations of low-income Hawaiian children.

Mr. **Inouye**. You indicate a high level of parent satisfaction.

Mr. **Anderson**. That's right.

Mr. **Inouye**. Do they participate in KEEP?

Mr. **Anderson**. They're involved at the local school level in advisory groups. We interviewed parents in the various places around Hawaii where the program has been put into regular public schools, and we also looked at reports of larger surveys of parents. That's the basis for my testimony about parent satisfaction.

Mr. **Inouye**. Thank you very much, sir.

Mr. **Thompson**. Mr. Chairman, a key organization in this whole program is the State of Hawaii and its educational system.

What we are addressing is 80 percent of the Hawaiian population who are of school age in our public school system. Key to that organization is Superintendent Francis Hatanaka who is here to testify about the relationship between ourselves and the Department of Education.

Doctor.

STATEMENT OF FRANCIS HATANAKA, SUPERINTENDENT, DEPARTMENT OF EDUCATION, STATE OF HAWAII, HONOLULU, HI

Mr. HATANAKA. Mr. Chairman, thank you for this opportunity to be here today.

The persons of native Hawaiian ancestry have suffered disproportionately from educational and social inequality for some time. Our data indicates that Hawaiian students in the public schools generally score below parity with national norms on standardized achievement tests and are disproportionately represented in many negative social and physical statistics.

The realization that something needed to be done to reverse the trends indicated by the hard data prompted the Kamehameha School/Bernice Pauahi Bishop Estate to engage in a long-term research and development effort which, in turn, produced the Kamehameha Early Education Program hereinafter referred to as KEEP.

I'm particularly impressed that a private organization intervened at the time that it did. I must confess that the State was remiss in not aggressively pursuing interventions which, over the long term, could reverse the identified trends as they affect the native Hawaiian population.

While the State's direct involvement with the Kamehameha Schools/Bernice Pauahi Bishop Estate dates back to 1962, it wasn't until 1971 that this collaborative involvement became intensified to the point where we now operate under a statement of understanding which underscores some general principles that confirm a cooperative/collaborative working relationship. I am definitely committed to working with the Kamehameha Schools/Bernice Pauahi Bishop Estate and other native Hawaiian organizations in the best interests of native Hawaiians.

We have worked cooperatively with the Kamehameha Schools/Bernice Pauahi Bishop Estate for a number of years in bringing the KEEP program to thousands of children in the public schools. We have found that KEEP works extremely well as average test scores are now consistently at, or near, the national norms for those students who have been exposed to the KEEP experience. Equally important is the high level of satisfaction with the program among the teachers, children, and parents.

Currently 6 public schools and 73 teachers are directly involved in KEEP. Much of KEEP is a process which utilizes knowledge of the at-risk child's early learning styles to develop a program compatible with those styles. In this regard, KEEP has helped us in improving the education of children from ethnically diverse low-income populations.

I realize that the successful program cannot be sustained nor expanded in the public school setting without a corps of trained teachers. In Hawaii, as elsewhere, we are faced with an imminent teacher shortage problem creating a situation wherein we must aggressively pursue attracting and retaining teachers who are strongly motivated and competent in working with students and, more particularly, with at-risk minority students.

Various incentive programs—tuition waivers, tuition grants, and scholarships—have been instituted to attract preservice teacher candidates. Pay incentives are currently being pursued, most particularly for specific shortage categories and for those who elect to teach in locales where a preponderance of at-risk students reside.

I am pleased that a strong partnership arrangement has evolved for a preservice training program which addresses the needs of the at-risk Hawaiian children. The Department of Education will provide field training sites, underwrite costs of cooperating in-service teachers, and provide recruitment and placement assistance. Faculty will come from KEEP and the University of Hawaii—some cost sharing will be committed by the Department of Education.

By enacting S. 830, we can seize upon a unique opportunity to create a State, Federal, and private partnership to enhance the education of native Hawaiian people. In this regard, the model derived from this experience could serve to enhance the fate of all native American people.

I beg your favorable consideration of S. 830.

Thank you very much.

Mr. INOUYE. Thank you very much, Mr. Hatanaka.

You spoke of KEEP helping to improve the education of children from "ethnically diverse low-income populations." What groups are you speaking of?

Mr. HATANAKA. Well, as you know, Senator, in Hawaii we're faced with a multicultural problem with the recent arrival of many immigrants from many of our southeastern Asian countries.

I think KEEP, using the basic principles that derive from the KEEP experience where we look at the child's previous experiences and capitalizing on that and delivering instruction, I think we've made some substantial progress in dealing with the needs of these recent immigrants.

There are other major categories of ethnic minorities in the State. Likewise, I think the basic precepts of KEEP have been utilized in structuring programs to accommodate their needs.

Mr. INOUYE. Have the results in these areas been equally encouraging and dramatic as in the native Hawaiian area?

Mr. HATANAKA. Yes; I think overall in the last 3 years or so we've seen a dramatic rise in achievement scores, particularly in our elementary schools. We still have work to be done in the secondary areas. I think at grade 8 we're on par on a statewide basis with national norms. At grade 10 we fall considerably below them. Our work is cut out for us in this regard.

We think, however, that the best remedial kinds of action that could be taken is to reinforce the elementary experience of the youngsters and hope that it carries on into the secondary years.

Mr. INOUYE. In order to carry out this program in the 6 demonstration centers, you have 73 teachers involved. To carry out this program fully throughout the public school system, how many teachers would have to be involved?

Mr. HATANAKA. I would imagine upward of 400 to 500 teachers.

Mr. INOUYE. And would you have the resource to provide adequate training for them?

Mr. **Hatanaka**. We would have the teachers, I think through collaborative effort with the University of Hawaii, with the Bishop Estate and Kamehameha Schools and the Department. I think we could muster most of the resources, but I'm certain that we could certainly use some Federal assistance in this regard.

Mr. **Inouye**. So this is just not a flighty dream. It's possible?

Mr. **Hatanaka**. I definitely think that it is possible, yes.

Mr. **Inouye**. I thank you very much, sir.

Mr. **Thompson**. Senator, may I expand just a little bit on that point?

We're talking about 20 schools at the moment out of the 166 elementary schools—presently we are in 6 schools. We are talking about 10,000 students, half of which will be native Hawaiians; the other half will be non-Hawaiian. This is not a pullout program, so all of the kids will benefit from this effort.

The cost will increase from the present $1.3 million to about $4 million a year.

Mr. **Inouye**. How much has the Bishop Estate contributed toward this over the years?

Mr. **Thompson**. I tried to get that number this morning, and for the first 5 years it was in excess of $1.5 million. We've been in this project about 11 years now, and I would say we've contributed about $5 million.

Mr. **Inouye**. Pardon me?

Mr. **Thompson**. About $5 million.

Mr. **Inouye**. Yes.

Mr. **Thompson**. Now another key element to this overall program is the University of Hawaii and its teacher training program. Today we have the opportunity of talking with Dr. Anthony Marsella. Dr. Marsella is the vice president of academic affairs from the University of Hawaii and very concerned about this particular matter.

Dr. Marsella.

Mr. **Inouye**. Welcome, sir.

STATEMENT OF ANTHONY J. MARSELLA, ACTING VICE PRESIDENT FOR ACADEMIC AFFAIRS, UNIVERSITY OF HAWAII AT MANOA, HONOLULU, HI

Mr. **Marsella**. Thank you.

Chairman Inouye, members of the committee, my name is Anthony J. Marsella. I'm the vice president for academic affairs at the University of Hawaii. I'm very appreciative of this opportunity to testify in favor of S. 830.

Many native American children's educational achievement is not commensurate with their native abilities. In Hawaii this is particularly true for native Hawaiian children. In the last 15 years great advances have been made by researchers and program developers of the Kamehameha Early Education Program, KEEP, in understanding ways by which the social and cognitive strengths of Hawaiian children may be incorporated into classroom instruction.

For many years Kamehameha Schools/Bishop Estate and the State Department of Education have cooperated in bringing KEEP to thousands of children in the public elementary schools of the

State, thereby bringing sharply improved literacy to Hawaiian children. The University of Hawaii recognizes the achievement of this unique KEEP and wishes to participate in building on the KEEP achievements to further benefit children of Hawaiian ancestry.

Blue-ribbon external evaluation has recommended that the KEEP be extended to 20 elementary schools where needful Hawaiian children are concentrated. For this program to be successful, an effective program of teacher training must be provided by the University of Hawaii.

In Hawaii, as elsewhere, there is a continuing need for teachers who are motivated and competent to teach at-risk minority children. A new teacher shortage is rapidly developing. The State of Hawaii cannot rely on recruiting teachers from mainland universities to teach these Hawaiian children of special needs. If we do nothing, we can expect a rapid return to the conditions when schools serving at-risk Hawaiian children could not retain teaching staff, and when teachers assigned to such schools immediately applied for transfers out.

During the last teacher shortage of the late sixties and early seventies, the average tenure of teachers at Nana'ikapono Elementary School was less than 2 months. In the past at-risk children have been unbearably frustrating to teachers who were themselves not trained for the special skills needed. Now, however, the KEEP developers and operators know those skills. But no institution of higher learning other than the University of Hawaii can bring those skills to teachers in training.

It is the highest policy of the university of regents and administration to address the educational needs of native Hawaiian peoples. For 2 years we have operated a small pilot program that has now demonstrated the feasibility of such a preservice training program. We are now ready to move that program into action.

This new program for preservice teacher education will operate as a partnership. The KEEP staff will provide the expertise in instructing teachers-in-training in the specific programs and skills needed to teach at-risk Hawaiian children. The State Department of Education will provide field training sites, recruitment, and placement assistance. The University of Hawaii will provide the liberal education, and its College of Education will provide the staff and apparatus which they possess to provide the general skills of teacher education. On behalf of the University of Hawaii, I have committed both existing resources and five new positions specifically to launch this program in September 1986.

The faculty for this program will be drawn from existing KEEP staff, who will be attached to various departments of the university, as well as from our current faculty. The field training portion of the program will be conducted in KEEP classrooms, both at the Kamehameha Schools and in the public schools of the State.

It is our intention to recruit and train young intending teachers to engage in a challenging but noble career—teaching those children who need them most. We will particularly recruit those of Hawaiian ancestry, who are now woefully underrepresented in the teaching profession.

We are testifying today about a historic effort at cooperation among the three local institutions who share responsibility for the education of the native Hawaiian people: the university, the Kamehameha Schools, and the State of Hawaii. Because of this unusual cooperation, and because the technical knowledge is already present, I daresay that we have a unique opportunity to change the educational fate of an entire native American people. If the Federal Government joins with us, we will succeed.

Thank you very much.

Mr. **Inouye**. Is the education budget recently adopted by the State legislature and approved by the Governor supportive of your efforts in training, recruiting teachers who are competent to carry out this special mission?

Mr. **Marsella**. Yes; it is, Senator. There's every reason to believe that there is a growing commitment to this, and the budget represents, I think, this growing commitment. We have increased funds for recruiting, increased funds for teaching, and the university administration is dedicated to approving the resources and the facilities available for teacher education in this area.

Mr. **Inouye**. I was glad to learn that the board of regents and the administration of the University of Hawaii make this a matter of the highest priority.

Mr. **Marsella**. Thank you very much.

Mr. **Inouye**. I'm certain it will bear good fruit, sir.

Mr. **Marsella**. Thank you.

Mr. **Inouye**. Thank you.

Mr. **Thompson**. Mr. Chairman, just to correct my earlier estimate, the total cost expended so far on this project is $8 million.

This is a very distinguished panel that's before you, and they've conveyed the message that we wanted to convey. We thank you for this opportunity that you have given us.

Mr. **Inouye**. I believe the record that you have established for this committee will be most helpful in garnering the support not only of this committee, but also of the Senate of the United States. For that, I thank you very much, sir.

Mr. **Thompson**. Thank you.

Mr. **Inouye**. Our next witness is the Deputy Assistant Secretary, Elementary/Secondary Education, U.S. Department of Education, Ms. Lois Bowman, who will be accompanied by Dr. Hakim Khan, the Acting Director of Indian Education Programs, U.S. Department of Education.

Madam Secretary, welcome. Dr. Khan, welcome.

STATEMENT OF LOIS BOWMAN, DEPUTY ASSISTANT SECRETARY, ELEMENTARY/SECONDARY EDUCATION, U.S. DEPARTMENT OF EDUCATION, ACCOMPANIED BY DR. HAKIM KHAN, ACTING DIRECTOR, INDIAN EDUCATION PROGRAMS, U.S. DEPARTMENT OF EDUCATION

Ms. **Bowman**. Thank you.

Mr. Chairman and members of the Select Committee on Indian Affairs, we are pleased to present testimony on S. 830, which would amend various provisions of the Indian Education Act to make native Hawaiians eligible for services under that act. While the Department is sensitive to the educational needs of native Hawaiians, we believe they are better served under other programs of the Department designed to serve disadvantaged or traditionally underrepresented groups. Therefore, we oppose S. 830.

To summarize briefly, the bill would change the name of the Indian Education Act to the Native American Education Act and reserve a substantial portion of funding under the act solely for native Hawaiians. The bill would also establish within the Department a Deputy Secretary for Native American Education and delete important provisions of current law relating to eligibility of students.

The administration has always believed, Mr. Chairman, that targeted assistance, responsive to the specific needs of individuals, is a more appropriate response than the use of racial and ethnic setasides. In the case of Indians, however, while we oppose the definitional change in S. 830, we nonetheless believe that Indians in general constitute a unique exception given their special historical and legal relationship with the Government of the United States.

The Department also believes that education is a responsibility of State and local governments and that the Federal Government should provide assistance to those governments to enable them to meet the needs of economically and educationally disadvantaged persons.

The administration encourages State and local initiatives, innovations, and experiments, particularly those designed to enhance services to underrepresented populations. Consistent with this view of the Federal role, the Department already provides to Hawaii considerable sums under programs which could be used to address the educational needs of native Hawaiians.

For example, the State Department of Education in Hawaii received $10.4 million under the chapter 1 program and $2.4 million under the chapter 2 program. Hawaii received $1.9 million reserved for native Hawaiian programs under the Carl D. Perkins Vocational Education Act, and $553,000 reserved for native Hawaiians under the Library Services and Construction Act.

In addition, Hawaii receives $10.5 million, excluding student loans, under the Department's programs of student financial assistance. We believe Hawaii already has the resources to address the needs of its native Hawaiian population.

Furthermore, S. 830 would seriously disrupt the operation of existing Indian programs. For example, section 4 of the bill would reserve one-quarter of the funds available for part A Indian education grants for native Hawaiians enrolled in public schools, a number approximately one-tenth the number of American Indian students currently eligible under part A.

In 1986 this bill would have allocated to Hawaii an amount in excess of $11 million under part A, an amount far larger than any other State would have received under this program. Thus, the bill would reserve for native Hawaiian students a grossly disproportionate amount of funds and would have the effect of seriously damaging ongoing programs for Indians.

We also oppose the establishment of a Deputy Secretary for Native American Education and the elimination of current provisions relating to student eligibility. The Office of Indian Education, headed by a director, is appropriately located within the Office of

Elementary and Secondary Education, headed by the Assistant Secretary.

We believe the Office of Indian Education is managing the Department's programs for Indian students effectively and efficiently and that the Secretary should not be hamstrung in his ability to structure the Department in the most advantageous manner. We also believe that eliminating the current provisions relating to student eligibility could jeopardize the Department's ability to hold grantees accountable and to insure that projects are carried out in accordance with the law.

In summary, while the Department recognizes the special needs of native Hawaiian students and stands ready to work with Hawaii to address those needs more effectively, we oppose enactment of S. 830. We believe the resources to address those needs are already available in forms that do not entail serious disruption of ongoing programs for American Indian students.

Thank you.

Mr. INOUYE. Madam Secretary, I thank you very much.

You state in your testimony that the administration opposes the use of racial and ethnic set-asides. However, according to your testimony, you have said, "Indians constitute the unique exception given the special historical and legal relationship with the U.S. Government.

Do you believe that the extension of a formal diplomatic treaty of commerce and amity between the United States and the Kingdom of Hawaii represents a special historical and legal relationship between the United States and the descendants of that kingdom?

Ms. BOWMAN. Not to the same extent as the special relationship between the Government of the United States and the American Indians.

Mr. INOUYE. In what way, Ma'am?

Ms. BOWMAN. Well, we feel that there is a much more—the historical relationship, the treaties, the fact that the interaction with the American Indians as tribal governments—all of those things were taken into consideration.

Mr. INOUYE. I would like to read two paragraphs from the October 1979 report of this committee which speaks of the relationship and the trust arrangement between Hawaiians and the U.S. Government.

> As a compact with the United States, and as a condition of statehood, Hawaii was required to adopt the Hawaiian Homes Commission Act as a provision of the State constitution. Hawaii had no choice.
>
> The pertinent terms of the Hawaiian Homes Commission Act cannot be amended without the consent of Congress. The Secretary of the Interior has the responsibility to approve any exchange of lands between the Commission and the State of Hawaii, and the Congress has specified in section 5(f) of Hawaii's admission act that the United States reserves the right to bring suit for any breach of trust in the administration of these trust lands.
>
> When the Hawaiian Homes Commission Act was before the Congress, one of the issues considered was whether Congress had the power to legislate for the benefit of Native Hawaiians. At that time the Solicitor of the Department of the Interior rendered an opinion upholding Congress' power to enact legislation for native Hawaiians under Congress' power to legislate for the benefit of Indians. A similar conclusion was reached by the attorney general of the territory of Hawaii.

Do you disagree with this?

Ms. BOWMAN. We're not disagreeing with——

Mr. **Inouye**. You don't disagree with the Solicitor of the Department of the Interior?

Ms. **Bowman**. I guess what I'm saying is, you asked me about our position on special legislation. We do not believe that the native Hawaiians stand in the same position as the American Indian. I think the question that the Solicitor General—from what you were reading—had addressed was whether or not Congress could enact special legislation for native Hawaiians.

Mr. **Inouye**. Well, the Congress has enacted special legislation for native Hawaiians. In fact, even before we became a State, they told the people of Hawaii, "You want to become a State; you do the following: you make the Hawaiian Homes Commission Act part of the constitution of your State." We have never told any one of the other 49 States that you'd better do that before we'll let you in.

We've also said that the Secretary of the Interior who was not a citizen of the State of Hawaii, that he has the responsibility to approve any lands, lands that are located in my State, not lands that are located in Arizona, lands that are located in Hawaii. If we want to exchange those lands, the man here has to approve the exchange. If that is not involvement of the U.S. Government into the affairs of the State of Hawaii, I really don't know what would be required.

And, furthermore, unlike any other State of the Nation, the U.S. Government reserves the right to bring suit against the State of Hawaii on the matter of any breach of trust in the administration of these lands. Even the Indian lands are not conditioned in this manner, Madam.

Therefore, I think the Solicitor was absolutely correct and that the Congress not only has the right but the responsibility of legislating on matters relating to native Hawaiians as they do for native Indians, American Indians.

I'm certain that your counsel will agree with that.

But your position is well taken, and I'd like to say publicly that, as one Member of the U.S. Senate, I have been most pleased with the cooperation showed by your Department about special concerns of the State of Hawaii. We have had a good working relationship. Even if we try to overrule your opinion, please know that we love you. [Laughter.]

Ms. **Bowman**. Thank you, sir.

Mr. **Inouye**. Thank you very much.

Our next witness is a trustee of the board of trustees of the Office of Hawaiian Affairs, Mr. Gard Kealoha.

Mr. Kealoha, can you hold it for 1 minute? There's an emergency call.

[Pause.]

I welcome you, sir. I know that you've traveled a long distance, but we look forward to your testimony, sir.

STATEMENT OF GARD KEALOHA, TRUSTEE, BOARD OF TRUSTEES, OFFICE OF HAWAIIAN AFFAIRS, HONOLULU, HI

Mr. **Kealoha**. Good morning. Aloha to all of you.

I would like, Senator Inouye, to ask permission also to share Mrs. Rubin's testimony from Alu Like.

Mr. **Inouye**. Without objection, your statement and that of Mrs. Rubin will be made part of the record.

Mr. **Kealoha**. I must also tell you how deeply saddened I am by the preceding woman's testimony on native Hawaiians and the lack of information on Hawaiian history that is evident in that presentation.

This morning I was looking—if I may preface my presentation—I was looking at a Newsweek edition on the American experience related to a celebration that is going to be happening in July "The Lady of the Harbor," who is a symbol of the opportunities embodied in the American dream.

And I thought of the ironies in that native American people have yet to experience full freedom to learn in culturally appropriate ways. Education, too, must be looked at in its fullest holistic sense, enabling native Hawaiians to perpetuate their unique and diverse values that embody an enduring relationship to their land, sea, and other cultural legacies.

I've also just returned from attending the World Conference on Education of Indigenous People in Vancouver, B.C. I was saddened by the anger over a history that isolates their effective participation in determining their educational futures.

As we approach this special July 4th celebration, I truly hope that native Hawaiians will be afforded opportunities to develop their maximum potentials through self-determination so as to be able to add to the luster and shine of that Great Lady with the torch at Ellis Island.

I would like to thank Senator Mark Andrews, chairman of this committee, for scheduling this hearing. The Office of Hawaiian Affairs strongly supports adoption of S. 830.

Before continuing, however, I would like to share with you a little background on the OHA as a means of providing the members of this committee with some understanding of the role and interest of OHA in this matter.

The Office of Hawaiian Affairs is governed by an elected nine-member board of trustees. The trustees must be of native Hawaiian descent and are elected by eligible voters who must also be of native Hawaiian ancestry. As a result, the OHA trustees are directly accountable to their beneficiaries.

OHA was created in 1978 by an amendment to the Hawaii State Constitution. The basis for its establishment, however, dates back to our State Admission Act of 1959. The act created a public land trust, the proceeds of which were to be used for five purposes. One of the purposes was the betterment of conditions for native Hawaiians.

In 1979 the State legislature passed act 196 which established the basic structure of OHA. This act, which was subsequently codified as chapter 10, Hawaii Revised Statutes, set out the basic purposes, powers, duties, and responsibilities of OHA. For your convenience, a copy of chapter 10 is attached as appendix A.

Chapter 10 established OHA as the "principal public agency in this State responsible for the performance, development, and coordination of programs and activities relating to native Hawaiians."

Chapter 10 also mandates OHA to serve as a receptacle for reparations and to act as a clearinghouse for Federal or State assistance involving Hawaiian programs and projects. OHA is also responsible for advising, informing, and coordinating Federal, State, and county activities relating to native Hawaiian programs. It is with this role in mind that we submit the testimony today.

S. 830 will go a long way in helping native Hawaiians address their educational needs. Statistics have shown that these needs are great, indeed. The Kamehameha Schools/Bishop Estate recently completed a native Hawaiian education assessment project report which identifies a myriad of education and socioeconomic needs.

In a needs assessment study conducted by OHA, approximately 8 percent of the native Hawaiian parents surveyed indicated that they had at least one child drop out of school. Two major reasons cited for dropping out were boredom with school and pregnancy. Alternative education programs are often designed to accommodate students who would otherwise drop out of school, yet there is a lack of such alternative programs oriented to keep Hawaiians in school. In another study recently conducted by OHA it was found that of the 314 different education program identified, alternative education is one of the least frequently offered programs. Only 12 agencies offer alternative education programs statewide.

Hawaiian studies is another program that is hardly offered, yet in the OHA needs assessment study, 16 percent of Hawaiian parents who are satisfied with the school system said the system could be further improved by the implementation of Hawaiian culture schools.

Parents who are dissatisfied with the school system see a need for implementation of a tutoring program and the hiring of more Hawaiian teachers as a way the system can be improved.

In 1986 Hawaiians represented 22 percent of the public schools population, yet 30 percent of the students classified as hard of hearing by the Department of Education in 1986 were native Hawaiian. Of the students classified as learning impaired, 34 percent were native Hawaiian. Overall, 30 percent of the students classified with a handicapping condition were native Hawaiian. This is clearly disproportionate to their percentage in the general school population.

S. 830 proposes to include native Hawaiians as native Americans in the Indian Education Act to address their educational problems. OHA concurs that the Indian Education Act is the appropriate vehicle for improving the quality of educational services to native Hawaiians, because we believe that native Hawaiians should properly be considered native Americans, such as the American Indians.

Native Hawaiians share with other native Americans similarly low socioeconomic status and problems arising from maladjustment to a foreign culture which has been imposed on them. Native Hawaiians also share with other native Americans a similar history in their relationship with the U.S. Government.

Today native Hawaiians have the same trust relationship with the U.S. Government as do the Indians. The courts have long recognized the Federal Government's unique obligation toward Indians because of this trust relationship and have upheld legislation creating programs that benefit that class of people.

In addition, Hawaiians meet the original Federal criteria used to determine whether a group of Indians was entitled to Federal services. A Hawaii Bar Journal article reports that these criteria are:

> One, whether the group entered into prior relations with the United States. Prior to the 1893 overthrow of the Hawaiian monarchy, the United States entered into several formal treaties and agreements with the Hawaiian Kingdom.
>
> Two, whether the group had been denominated a tribe by an act of Congress or Executive order. Native Hawaiians have been recognized by Congress in a number of acts; for example, the Hawaiian Homes Commission Act of 1920.
>
> Three, whether the group had been treated as a tribe by other Indian tribes. Although there is no evidence that other native American groups acknowledged native Hawaiians, evidence exists that other third parties such as France, Great Britain, and Russia recognized the Kingdom of Hawaii.
>
> Four, whether the group had been afforded collective rights to tribal lands or funds, even though not expressly designated. Traditional Hawaiian land tenure involved collective rights to the land, as evidenced by the Hawaiian constitution of 1840 in the Kingdom of Hawaii which declared that the land belonged to the people in common with the king acting as trustee.
>
> Five, whether the group had exercised political authority over its members, through a tribal council or other governmental form. Political self-governance has existed for native Hawaiians through the Kingdom of Hawaii, which existed from 1810 to 1893, the constitutional monarchy, and today through the Hawaiian Homes Commission and the Office of Hawaiian Affairs.

OHA also concurs that a specific percentage of funds appropriated under the Indian Education Act and other acs relating to Indian education be earmarked for native Hawaiians. In addition, however, we believe that it is important to increase funding appropriations for these acts by at least the percentage specified in Senate bill 830, 25 percent, so that native Hawaiians are not taking from what is already available to other native Americans.

In summary, I would like to reiterate OHA's support for the adoption of S. 830. There are many serious education problems in the native Hawaiian community, and S. 830 would make it possible for native Hawaiians to address these problems by improving the quality of educational services to meet their needs.

We are appreciative of being able to present this testimony.

[Prepared statement of Mr. Kealoha appears in the appendix.]

Mr. **Kealoha**. I would like to go right on and present the testimony of Winona Rubin, president and chief executive officer of Alu Like, Inc., an organization that I also serve as public information officer.

Alu Like, Inc., is a private, nonprofit, community-based statewide organization which over 15,000 members. Alu Like has a primary public purpose—that of assisting native Hawaiians to develop economic and social self-sufficiency.

Alu Like is funded from several sources including the Administration for Native Americans of the Department of Health and Human Services, the Division of Indian and Native American Programs of the Department of Labor, the State of Hawaii, county of Maui, private foundations, and individual donors.

In fiscal year 1976 Alu Like conducted a needs assessment survey among Hawaiian natives in the State of Hawaii which identified education as priority No. 1. It still remains No. 1. Since then, the data has been expanded upon through additional Alu Like research, extraction of data from existing sources, as well as collection and analysis of information from public and private sources so that presently Alu Like has the most comprehensive information about native Hawaiians in the State of Hawaii.

Let me briefly review highlights of the data on native Hawaiians, some of which is contained in appendix A of this testimony.

Hawaiians comprise approximately 179,000 or 19 percent of the State's population.

The number of Hawaiians in the population on each island ranges from 15 percent on Lana'i to 62 percent on Moloka'i and nearly 100 percent on Ni'ihau. However, 68 percent of the native Hawaiians in the State live on Oahu.

Approximately half of the Hawaiians are age 19 and below compared to 32.2 percent for the State population.

Thirty-one percent of the Hawaiian households are living below poverty levels.

Forty percent of those living below poverty levels in the State are Hawaiian.

Ten percent of the Hawaiian adults were unemployed in 1980, nearly twice the statewide rate; and Hawaiians are significantly underrepresented in those occupations requiring professional degree study, including teachers.

Approximately 66 percent of the youth in correctional institutions are Hawaiian.

Approximately 32 percent of Hawaiians age 25 and older have not finished high school.

Approximately 35 to 38 percent of the 34,000 Hawaiians in public schools are in Stanines 1 to 3 for reading and math which is equivalent to the 1 to 22 percentile range.

Of learning-disabled youth in the public schools, 1,236 or 76.5 percent are Hawaiian.

Let me emphasize that the majority of Hawaiians are productive, contributing proud citizens of the State and Nation. However, as you can see from the data we have provided and other information provided by the Kamehameha Schools/Bishop Estate, Office of Hawaiian Affairs, and others, there are still significant needs to be addressed to prevent further magnifying of these problems.

Substantial evidence links some of these negative social indicators to the lack of educational achievement. An Alu Like cost benefit study of 1979—in appendix C—states that, "Both welfare eligibility rates and criminal offender rates are negatively correlated with educational achievement among native Hawaiians."

We know from experience in Alu Like's statewide employment and training program that there is a direct relationship between unemployment and lack of educational success. Also, if we update the calculations of Alu Like's earlier cost-benefit study into 1983 dollars, the following statement can be made: For each additional year of school completed, an individual native Hawaiian's income rises by $1,235.

In the Alu Like needs assessment in 1976 parents indicated that schools are not sensitive to the needs of children with a culturally Hawaiian lifestyle. Hawaiian children are in need of early education preparation for the public schools as a way of integrating their cultural orientation with that of the vastly different orientation in the public elementary schools they will attend. The parents consider acceptable cultural approaches in teaching the basic skills and the inclusion of Hawaiian studies as an integral part of the curriculum to be very critical to the success of their children.

Alu Like's experience with pilot projects in the native Hawaiian community has included:

The Halau o Haleiwa project on Oahu which has focused on teaching basic language arts skills through Hawaiian cultural concepts to all youngsters kindergarten through grade 3 at Haleiwa Elementary School.

The Hale Ola o Hoopakolea project on the Waianae coast of Oahu which has focused on community-based, culturally-sensitive approaches to prevention, delivery of services and mental health treatment for native Hawaiians.

The He Alaka'ina I ke Kumu project in windward Oahu which produced videos entitled "Ohana in the Family" featuring the late Kupunawahine, elder, Edith Kanakaole and "Ohana in the Classroom" featuring Mahealani Pescaia encouraging culturally sensitive learning approaches.

Thirteen projects have been initiated by Alu Like starting in late 1985 utilizing funds from the Library Services and Construction Act to address literacy, reading support, and public library access, graduate training of librarians, and outreach to isolated communities.

Alu Like is implementing this year approximately 20 projects in collaboration with the community colleges, Department of Education, other educational institutions, and community groups using the resources of the Carl D. Perkins Vocational Education Act.

Other smaller community-based projects have been initiated through Alu Like Island Centers.

In each instance culturally sensitive approaches have been successful where heretofore other results have been minimal. However, training of teachers in culturally sensitive techniques requires additional resources. The teaching of youngsters using culturally relevant approaches will require additional resources.

The collective resources of Federal, State, and private sector are needed to address the education and education-related needs of Hawaiians in order to make significant impact.

Over the 10 years that Alu Like has been facilitating forums for the exchange of information and solutions to problems, there have been recurring recommendations from the Hawaiian community. They include:

One, the definition of Hawaiian native in recent native Hawaiian legislation such as the Carl D. Perkins Vocational Education Act should be retained consistently for present and future legislation;

Two, funds should be provided for Hawaiian programs without reducing funds allocated to other native American groups whose needs are great and similar to those of Hawaiians;

Three, Hawaiian programs should be planned and implemented by and accountable to the Hawaiian community; and

Four, culturally relevant approaches and strategies are significant to the success of educational programs for Hawaiians.

Alu Like supports those four often-stated Hawaiian community positions based upon our experiences in administering a variety of programs and our study and analysis of the needs of the Hawaiian natives.

In addition, we recommend that the title of S. 830 should retain the word "Indian" and incorporate native Americans. Therefore, the bill would be entitled the "Indian and Native American Education Act." This action reemphasizes the concern of Hawaiians that the inclusion of Hawaiian natives in the legislation should not erode from existing Indian programs, nor reduce funds allocated for existing programs.

The introduction of S. 830 by Senator Melcher, Senator Inouye, and Senator Matsunaga comes after a long history of attempts to address the significant educational needs of Hawaiian natives which are similar to those of other native American groups. With the combined resources of Federal, State, and community, Senate bill 830 can make educational parity for Hawaiian natives a reality at last.

I thank you for the opportunity to present Mrs. Rubin's statement also.

[Prepared statement of Mrs. Rubin appears in the appendix.]

Mr. **Inouye**. I thank you very much, Mr. Kealoha.

Do you believe that there is a special trust relationship that exists between the U.S. Government——

Mr. **Kealoha**. Very much so.

Mr. **Inouye** [continuing]. And native Hawaiians?

Mr. **Kealoha**. I think there are many documents that attest to that fact.

Mr. **Inouye**. And your suggestions and that of Mrs. Rubin are excellent. I think I will discuss the matter of changing the title of the act, for one thing, and somewhere in the committee report say in clear words that we will not in any way reduce the amounts that have now been set aside for Indian programs.

I thank you very much.

Mr. **Kealoha**. I thank you, Senator, and I wish to also thank you and our congressional delegation for your assistance in the past on native Hawaiians.

Mr. **Inouye**. Thank you, sir.

Our final witness is Dr. Keith Mielke, the vice president for research of the Children's Television Workshop of New York City.

Mr. Mielke, welcome, sir.

STATEMENT OF KEITH W. MIELKE, VICE PRESIDENT FOR RESEARCH, CHILDREN'S TELEVISION WORKSHOP, NEW YORK, NY

Mr. **Mielke**. Thank you and good morning.

Mr. Chairman and members of the committee, I'm Keith Mielke, vice president for research at Children's Television Workshop in New York. I've held this position for nine years. Before that, I was a professor of mass communications research at Indiana University.

I'm here to speak on a different issue described in proposed legislation that has been cited as the Native American Gifted and Talented Educational Assistance Act of 1985. In particular, I'm going to speak from the point of view of the Children's Television Workshop experience relevant in areas where such programs might utilize educational television materials.

I should state at the outset that I am not a specific expert either in the special needs of the gifted and talented or in the special needs of Indians or native Hawaiians, but the perspective that I do bring draws upon the unique experience of the Children's Television Workshop which has been addressing special needs of children for almost two decades now.

My hope and belief is that such general experience will also apply to this specific case. It is not anticipated that CTW would produce any television materials that might result from this proposed legislation, but CTW would be willing then, as we are now, to share any knowledge and experiences which could be helpful in that regard.

The Children's Television Workshop designs and produces educational materials that utilize mass media such as television. The first educational television series for children produced at CTW was "Sesame Street." That premiered in 1969 and is now rather universally known. "Sesame Street" is designed to help preschool children get ready for classroom experiences. This was then followed by the "The Electric Company," which provided basic reading instruction aimed at children 7 to 10 years of age. CTW then produced a science series for 8-to-12-year-old children called "3-2-1 Contact," and now our most recent series, which will premiere in January 1987, is about mathematics. These four series for children comprise a considerable body of experience in design, production, and evaluation of educational materials for children and, as I stated before, if this experience can be of any assistance in the planning of programs for the gifted and talented, then we will be delighted to share it with you.

There are several comments now I'd like to make specifically about the proposed legislation. One form of demonstration project that would qualify for funding would be the use of public television in meeting the special educational needs of gifted and talented children. CTW is honored to have been cited as exemplifying the use of television in meeting the special needs of children.

In my opinion, certain media options are good opportunities to be explored and certain other media options do not appear to be feasible, given the nature of television and given the budget levels that are being considered.

Let's look first at the constraints. The funding available for mass media programming is typically tied to the number of people being served. Specialized needs of any subgroup, even important needs like those of the gifted and talented, tend not to generate adequate funding levels for original, exclusive, specialized programming on mass media such as broadcast television.

"Sesame Street," for example, is expensive in absolute numbers—it costs about $10 million per year—but this is quite inexpensive considering its delivered cost per viewer, which is less than 1 penny per child per program. And it's precisely the attraction of very large audiences that makes possible this economy of scale where high production and pedagogical values can be justified.

Within these general audience programs in "Sesame Street" we do include segments for children with special needs, such as hearing impaired, mental retardation, the physically handicapped, and so forth, but the overall show retains its appeal to all children, and that is critical to its level of funding.

Now I'll comment about the nature of television and relate it to economics. A very promising option in addressing the special needs of the gifted and talented at much lower costs would be to select media materials that are already available and tailor them with special utilization materials. For example, if an adult program such as NOVA might be appealing to a gifted and talented child if only certain bridging concepts could be mastered, then a special utilization kit could be designed for that purpose, and special training could be developed for adult leaders to guide the children through the process. Conceivably, these adults could be teachers, paraprofessionals, or parents.

This same approach of tailoring existing programs for the gifted and talented might also be used for very young children as well; for example, using our program in science and mathematics but for a different target audience. I note in the Hawaii public television guide that an enormous number of programs are broadcast that have the potential to be used in this manner, but again they would need to be tailored for special needs of the gifted and talented through special utilization materials.

Now I'd like to say something about the procedures we use at Children's Television Workshop. The procedures we use there to design and produce educational materials should apply to this setting as well. My function at CTW, for example, is to oversee our inhouse research. Research is involved at all stages of a project beginning with needs assessment. It includes representing the child's point of view and the child's level of development when we are designing materials, and testing prototype materials. Our research culminates in the evaluation of completed programs.

These same steps and issues will be encountered in the proposed programs for the gifted and talented, and all of these procedures can be shared with whichever institutions and groups eventually put the materials together for the gifted and talented.

If the needs assessments could first identify who has what set of needs in the gifted and talented category, and if this would then be followed by designing a responsive protocol or a set of procedures that involved both media materials and a guide for adult leaders, then a real possibility exists to reach a great efficiency with a reproducible model that would be very effective.

That is my fundamental suggestion, and there is reason to be optimistic about its outcome. At CTW, for example, we have a community outreach division we call Community Education Services or CES. One of the special utilization efforts by CES has been to design special materials on fire safety along precisely the lines that I am proposing here. They combine television materials on videotape along with a carefully constructed guide for a local group leader.

Other subject matter areas that CES addresses include special needs of children whose fathers are in prison and special lifesaving messages appropriate for children in the areas of lead poisoning and natural hazards.

I base the argument that this model would be useful here for the gifted and talented not on specific experience we've had with gifted and talented, but on the field-tested procedures we have successfully employed in so many different subject matter areas.

I have some examples here of some of the utilization materials that extend and augment the broadcast version and, with your permission, I'll just leave them here for examination by your staff at the end of the testimony.

Mr. **Inouye**. We will make them part of the files, sir.

Mr. **Mielke**. Thank you.

This is, for example, a teachers' guide for our science series "3-2-1 Contact."

We have here brochures that extend segments in special goal areas of "Sesame Street" in the area of lead poisoning. This ties into community health organizations. So we have the power of the mass media and the power of the local group, which is why this model sounds so right for the issue we're talking about.

We also have parent guides for fire safety which build upon the curriculum from "Sesame Street." Other activity books that build upon curriculum areas in "Sesame Street" and tie into local organizations with things that they are able to pursue best in that setting.

This illustrates that we have exercised this model a great deal which is why we're so confident about it here. Once prototype materials were produced in the gifted and talented area, it's inevitable that they could be improved through evaluations under field conditions. Once again while the particular materials may be new, the issues are not. They have been studied and we have a great deal of experience with them.

Now so far I've only been speaking out CTW's target audiences which deal with preschool children and children up to 12 years of age through elementary school. There are also some opportunities in the area of gifted and talented in high school that I should mention. A lot of schools are succumbing to budget pressures by taking out of the curriculum specialized courses that they offered for the gifted and talented. An example might be Chinese language courses; specialized courses like that are now considered luxuries and frills and are no longer available. Many of the schools in rural areas or smaller schools see the economic reality that they will never be able to offer their gifted and talented students some of this specialized coursework, and so instructional television or some form of educational technology appears to be the only hope in that area. Educational television is worth to considering for both the younger and the older students.

I have here a catalog of materials by the Agency for Instructional Technology which lists some of their specialized coursework for the older students, and I will also leave that behind.

In summary, the Children's Television Workshop wholeheartedly supports the concept of special efforts, materials and activities to meet the needs of gifted and talented children. We have a wide variety of experience in designing, producing and utilizing educational materials that are specially targeted for special needs and special audiences, and we would be delighted to share this expertise with you in any way that you would find helpful.

I would also be happy to respond to any questions that you might have for me at this time. Thank you.

[Prepared statement of Mr. Mielke appears in the appendix.]

Mr. INOUYE. Would your programs be useful to meet the needs of so-called at-risk students of ethnic minorities and low income population groups?

Mr. MIELKE. This model that I am suggesting, because it combines the face-to-face element, which I think would be an essential part of the program you mentioned, and also brings with it the expertise and the efficiencies and the economies of mass media materials, would be excellent for such a purpose, yes.

Mr. INOUYE. I think it would be most helpful if you could get together with the officials that were here from the University of Hawaii and from the Department of Education of the State of Hawaii, just in the event that this bill passes.

Mr. MIELKE. We'll help in any way we can.

Mr. INOUYE. Mr. Mielke, thank you, sir. Our final witness is a co-author of the measure and a co-sponsor of the bill, the Honorable Spark M. Matsunaga.

Welcome, sir.

How is the tax bill going along?

STATEMENT OF HON. SPARK MATSUNAGA, U.S. SENATOR FROM HAWAII

Mr. MATSUNAGA. Surprisingly smoothly, Mr. Chairman.

As a cosponsor of the measure with yourself and Senator Melcher, I've come to urge favorable consideration of S. 830, a bill to amend the Indian Education Act.

I appreciate the committee's willingness to hold these hearings, so that the educational needs of native Hawaiians and other native Americans can be addressed.

As members of this committee are aware, native Hawaiians were first defined as native Americans along with American Indians and Alaskan natives under the provisions of title VIII of the Community Services Act of 1974, Public Law 93-644. Title VIII is also known as the Native American Programs Act, and it established the Office of Native American Programs, now called the Administration for Native Americans or ANA, within the U.S. Department of Health and Human Services.

Alu Like, Inc., a private, nonprofit corporation dedicated to promoting the economic and social self-sufficiency of native Hawaiians was the first organization in Hawaii funded by ANA.

Since 1974, several other Federal laws have been enacted or amended to include native Hawaiians in the definition of native Americans where appropriate. For example, Hawaiians were included as native Americans in title III of the Comprehensive Employment and Training Act or CETA and also in CETA's successor, the Job Training and Partnership Act. Native Hawaiians also are defined as native Americans in the American Indian Religious Freedom Act.

Upon its establishment in 1975, Alu Like, Inc. undertook a comprehensive needs assessment survey of the Hawaiian community. This study, the first of its kind ever undertaken among native Hawaiians, was particularly interesting in that it revealed both the extent to which native Hawaiians are educationally deprived and the high priority which native Hawaiian parents place on education for their children.

With a population estimated at 150,000 to 175,000, native Hawaiians comprise about 17 percent of the population of the State of Hawaii. They are an overwhelmingly youthful segment of the population, with nearly one-half being 25 years of age or younger. In 1974 one-third of the students enrolled in Hawaii's public school system were native Hawaiian, yet only 5 percent of the State's high school graduates were of native Hawaiian ancestry—an alarming statistic indicating a very high dropout rate among native Hawaiians. Indeed, it has been said by some educators that native Hawaiian children "drop in at school" from time to time, instead of attending regularly and working toward obtaining a diploma.

Throughout the 1970's and the early 1980's native Hawaiians have expressed in increasingly militant terms their frustration with an educational system which fails to motivate their children, leaves them unprepared to make a living, and largely ignores Hawaiian cultural values and history. In this respect, the native Hawaiian bears a striking resemblance to other native Americans who were profoundly affected by the arrival of the western European with western values. However, while the United States long ago adopted policies designed to protect the lands and heritage of the American Indian, the Government's attitude toward the native Hawaiian has been one of general neglect.

In an effort to redress the injustices done to native Hawaiians and to improve educational opportunities for Hawaiian children, Senator Inouye, yourself, and I in 1977 introduced S. 857, a bill which would have included native Hawaiians in the Indian Education Act and certain other educational assistance programs for Indians. This committee held public hearings on our bill in 1978, but no further action was taken before the end of the 95th Congress.

In 1979 we sought passage of the Native Hawaiian Education Act, a separate program similar to the Indian Education Act. Our bill passed the Senate, but in conference with the House its major provisions were deleted and the conferees agreed merely to establish an advisory council on Hawaiian education.

Even this was not to be. Before the council could even begin its work, the Omnibus Budget Reconciliation Act of 1981 was passed, rescinding funds for our new initiatives. Despite this setback, the Senate Appropriations Committee instructed the U.S. Department of Education to submit a comprehensive report to Congress on native Hawaiian education. The 1-year study was funded by the Kamehameha Schools/Bishop Estate and was published in March 1983.

Mr. Chairman, in S. 830 we are again recommending a native American solution to the educational problems of native Hawaiians. Our bill would include Hawaiians in the Indian Education Act, earmarking funds under that act for them and renaming the act The Native American Education Act. Funds received under the act would be administered by native Hawaiian organizations designated by the State of Hawaii.

In recommending this course of action to the committee and the Congress, we do not anticipate that all of the educational problems of native American children will be solved overnight. Nonetheless, we are proceeding on this path because we strongly believe that both Indians and native Hawaiians will ultimately benefit. The time has come to build a truly strong educational system for all native Americans—one which will address their unique needs.

The addition of native Hawaiians to the Indian Education Act will bring to American Indians and Alaskan natives the considerable technical expertise and experience of pioneers in native American education such as the Kamehameha Schools, just as Hawaiians will benefit from the experience and resources of American Indian and Alaskan native educators. Support for the program will be expanded and increased, not weakened.

Mr. Chairman, I thank you again for providing this opportunity for supporters of native American education to express their views. I urge the committee to take early favorable action on S. 830.

Thank you.

Mr. INOUYE. As always, your support is very important and you're most helpful, sir.

I am certain S. 830 will be considered favorably by this committee and should be adopted by the Senate. Let's see what the House does with it.

Mr. MATSUNAGA. I share your optimism, Mr. Chairman.

Mr. INOUYE. Thank you very much.

The statements that this committee has received from various organizations will be included and made part of the record. We have a statement by the chairman and the ranking member, Senator John Melcher.

[Prepared statements appear in the appendix.]

I would also like to announce that the hearing record will be kept open for 10 days during which time those here may submit addendums or if you would like to submit additional information.

At this time I would like to thank all of you for traveling long distances to participate in this hearing. You have all been very helpful. On that note, the hearing is adjourned.

[Whereupon, at 11:20 a.m., the committee recessed to reconvene at the call of the Chair.]

APPENDIX

ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

Prepared Statement of
MYRON B. THOMPSON
Kamehameha Schools/Bishop Estate
Honolulu, Hawai'i

June 12, 1986

Good morning Chairman Andrews and members of the committee.

My name is Myron Thompson. I am a trustee of the Kamehameha Schools/Bishop Estate, an institution in Honolulu whose sole purpose is educating children of Native Hawaiian descent.

Mr. Chairman, the purpose of my testimony today is to support Senate Bill 830. I strongly believe that this important bill can pave the way for Native Hawaiians to achieve real educational gains which have for so long eluded us.

In introducing this bill for himself and for Senators Inouye and Matsunaga, Senator Melcher made reference to the long history of seeking legislation to address the well-documented educational needs of Native Hawaiians. In May, 1979, this committee held hearings on S. 916, an earlier bill providing educational programs for Native Hawaiians. S. 916 was not adopted. Rather, a Commission was created to fully assess the educational needs of Native Hawaiians. In 1982 I was asked by Secretary of Education Terrel Bell to chair the Executive Steering Committee for the Native Hawaiian Educational Assessment Project (NHEAP). Our Final Report was presented to Secretary Bell in March of 1983. On March 21, 1984, I appeared before your committee to present the results of the study.

REVIEW OF EDUCATIONAL NEEDS

The Native Hawaiian Educational Assessment Project (NHEAP) Final Report indicated that Native Hawaiian students suffer from an across-the-board lack of parity with their peers nationally. Specifically, the report demonstrated the following major needs:

1. Standardized Achievement Needs. Hawaiian students score below parity with national norms in reading and math, and they are well below the other ethnic groups in Hawaii.

2. Special Educational Needs. Native Hawaiians face a wide array of economic, physical, and mental health problems which affect their academic achievement.

3. Culturally-related Academic Needs. Hawaiians have increasingly become "strangers in their own land" and lost remnants of their values, lifestyle, language, and beliefs. This loss has manifested itself in depression, self-disparagement, and inferior scholastic achievement.

Mr. Chairman, the educational needs of Native Hawaiian children have now been well documented and have been presented to this committee several times. Follow-up studies indicate that the patterns identified in NHEAP continue to this day. They are hauntingly similar to the kinds of educational needs identified among American Indians by Robert Havighurst and other researchers during the late 1960's. These studies led directly to the Indian Education Act of 1972 (Title IV, P.L. 91-319) and subsequent legislation. It is now time to take firm action to address Native Hawaiian needs. I wish now to turn my attention to two crucial questions:

1. What kinds of action are recommended to meet these needs, and

2. How does S. 830 address these recommendations?

REVIEW OF RECOMMENDED SOLUTIONS

Mr. Chairman, in past testimony I have presented to your committee a set of recommended programs which dealt with these wide-ranging needs in an inclusive way. In order to be inclusive, these programs represented three necessary approaches:

1.) PREVENTIVE;
2.) REMEDIAL; and
3.) PROSPECTIVE.

I emphasized that our general approach was not to seek new legislation, but rather to amend existing legislation in a systematic and coherent way for the benefit of Native Hawaiians. I want to reiterate this and to add that, where appropriate, the inclusion of Native Hawaiians in legislation for Native Americans should be the cornerstone of this effort. In this regard, it is important that funding levels be increased proportionately so that the inclusion of Native Hawaiians in no way reduces the amount of funding available for other Native American groups who have many and similar needs.

PROGRESS ON RECOMMENDED SOLUTIONS

It is most gratifying to be able to report to your committee that progress has been made on some of these recommendations. First, under the heading of Preventive Programs, we recommended a comprehensive early education and family resource effort based on the successful model of Child and Family Resource Centers. In the Fiscal Year 1985 Appropriations Bill for the Departments of Labor, Health and Human Services and Education (Senate Report 98-544; Conference Report 98-1132) language was included which supported this concept. In fact, the Kamehameha Schools/Bishop Estate has received a planning grant from the Maternal and Child Health Program of the Department of Health and Human Services and is actively developing parent-child development centers to serve Hawaiian families.

The first program recommended under the heading of Remedial was a Pacific Region Educational Laboratory. This concept has also seen further development, thanks initially to discretionary funds released by the National Institute of Education. Continued funding has been secured for what is now called the Pacific Region Education Program under the auspices of the Northwest Regional Educational Laboratory.

The third category of recommended program is Prospective. These are programs which are forward looking, with the emphasis on preparing Hawaiian students for the world of the future. Our first recommendation here was future-oriented job skills training. The passage of the Carl D. Perkins Vocational Education Act of 1984 (P.L.98-524) was a major milestone in the efforts of Native Hawaiians to achieve educational parity with their peers nationally. This legislation included, within the set-aside for Native Americans, a specific set-aside for Native Hawaiians which actually increased the amount which other Native American groups received. It is most exciting to consider that these funds will have a direct impact on the kinds of education and training efforts needed to reverse negative socioeconomic indicators for Hawaiians.

Despite the considerable progress which has been made in securing federal assistance for Hawaiian education, much more could be accomplished. The highest priority currently is the dissemination of a highly successful reading program for elementary level students developed by Kamehameha Schools. This is called the Kamehameha Elementary Education Program, or KEEP.

The Kamehameha Early Education Program (KEEP)

The Kamehameha Elementary Education Program has developed a reading program of demonstrated effectiveness for children of Hawaiian ancestry who have consistently achieved below national norms. In the initial experiment upon which subsequent KEEP curriculum has been developed, children who received 3 years of

KEEP instruction scored at the 50th percentile. Matched control group children not receiving KEEP instruction scored at the 25th percentile. The program stresses comprehension skills and utilizes teaching methods that are compatible with children's learning styles.

External evaluations of KEEP by nationally recognized experts have confirmed the integrity and success of this program.

Much of KEEP is a process which utilizes knowledge of the at-risk child's early learning styles to develop a program compatible with those styles. This approach has proven so successful with Native Hawaiian children that it is currently being tried on a cooperative experimental basis with Navajo children in Rough Rock, Arizona.

A Demonstration School is the hub of training and dissemination for the KEEP Program. There, personnel are trained to export the program into the public schools; curriculum is developed and tested, and evaluation and research is conducted. The cost for this comprehensive laboratory school is about $2 million annually.

KEEP is currently in six of Hawaii's 166 public elementary schools, at a cost to Kamehameha Schools/Bishop Estate of $1.5 million annually. It is estimated that if KEEP were in twenty schools serving 5000 at-risk Hawaiian children, it could raise achievement to coincide with national norms and approach the other three major ethnic groups in Hawaii.

Thus far the entire cost of this effort to improve reading achievement for Native Hawaiian children has been borne by the Kamehameha Schools/Bishop Estate. External assistance is needed in order to expand this successful program into twenty schools by 1992. By that year, the KEEP reading program would be serving 9300 children; 700 at the Kamehameha Elementary Demonstration School and 8600 (includes 4300 non-Hawaiians) in the twenty public schools.

We have developed a schedule of expansion which we believe, with shared resources, is workable. The schedule of expansion for the next seven years which includes numbers served, annual costs, (all figures in 1986 dollars) and per pupil expenditures are estimated as follows:

1986-87	6 Schools	2000 children	$1,343,671	$560 per pupil
1987-88	8 Schools	2500 children	$1,714,671	$672 per pupil
1988-89	10 Schools	3500 children	$2,181,671	$623 per pupil
1989-90	12 Schools	4500 children	$2,647,670	$588 per pupil
1990-91	14 Schools	5867 children	$3,067,670	$523 per pupil
1991-92	17 Schools	7233 children	$3,642,670	$504 per pupil
1992-93	20 Schools	8600 children	$3,737,670	$435 per pupil

KEEP is not a "pull-out" program. Thus the number to be served in these schools includes non-Hawaiian as well as Hawaiian children. The ratio is currently one non-Hawaiian child for each Hawaiian child served.

Costs are estimated to drop to $300 per pupil after KEEP has been fully placed in the twenty schools for five years.

In addition to the training of teachers which takes place as a part of KEEP's dissemination efforts, also crucial are teacher training programs which can provide new teachers with knowledge and experience with Native Hawaiian students.

Obviously, intergency cooperation is absolutely necessary to this effort. Dissemination takes place first through teachers who are already a part of the Hawaii State Department of Education, and new teachers will come largely from the teacher training programs at the University of Hawaii.

HOW DOES S.830 ADDRESS THESE RECOMMENDATIONS?

Senate Bill 830 offers amendments to the Indian Education Act which would directly impact on the needs of Native Hawaiian students. Further, certain sections would be particularly beneficial in implementing the above recommendations regarding KEEP. First, Section 1, which amends Section 422 of the Indian Education Act, would provide for Educational Personnel Development, or teacher training. Section 5, which amends Section 1005 of the Elementary and Secondary Education Act, also contributes to what are called Special Programs. In addition to teacher training, these include demonstration and research programs like KEEP. Under this heading, the Catalog of Federal Domestic Assistance estimates that in fiscal year 1985 some 66 awards will be made to serve 12,848 Indian children and 723 trainees.

The bulk of the actual educational projects carried out would be by the Hawaii State Department of Education. As the centralized educational agency of the State, the DOE would be able to benefit from the provisions of Section 4 of S.830. This makes Native Hawaiians eligible for Formula Grants to Local Educational Agencies and Tribal Schools. Some 321,000 Indian students are currently served annually under this section, through awards to some 1100 grantees. Average per student cost is $144.

As critical as these sections are, there are also other sections of S.830 that can significantly improve education for Native Hawaiians. The NHEAP Final Report presented evidence that Native Hawaiians are severely underrepresented in those occupations requiring professional degree study, including teachers. Section 2 of S.830 would make Native Hawaiians eligible for Student Fellowships along with other Native Americans, some 225 of whom were expected to receive grants averaging $6,949 in fiscal year 1985.

Section 6 of S.830 provides for Adult Education Programs. Our needs assessments have pointed out that the educational attainment level of adult Native Hawaiians is far below that of other groups in the State. Our own adult education program at Kamehameha Schools/Bishop Estate has shown that even many high school graduates are effectively reading at below an 8th grade level. It would be very beneficial for Native Hawaiians to be included along with the estimated 22 Indian Adult Education programs each receiving an average of $106,387.

In summary, S.830 addresses some of the basic recommendations from NHEAP and fits well with the current priorities. We are especially pleased that its provisions would permit the effective development and dissemination of the KEEP reading program.

WHY SHOULD NATIVE HAWAIIANS BE INCLUDED IN LEGISLATION FOR OTHER NATIVE AMERICANS?

We now have ample evidence of the needs. And we have seen how the educational situation of Native Hawaiians is similar to that of other Native Americans in that achievement is below parity with the rest of the nation and that this seems related to loss of native culture. And we have seen how being a part of existing programs could directly benefit Native Hawaiians. We have emphasized that this inclusion should not come at the expense of other Native American groups.

It should be emphasized that the U.S. Congress, through various pieces of legislation since 1974, including most recently the Carl D. Perkins Vocational Education Act, does recognize and treat Native Hawaiians as Native Americans. It is beyond the scope of my testimony to present a thorough historical treatment of the unique legal relationship that exists between the U.S. Government and Native Hawaiian people, but most analysts have agreed that Congress does retain the right to legislate on behalf of Native Hawaiians as Native Americans based on treaties, as well as historical and legal precedents.

Allotments for Native Hawaiians should also follow the formula used in the vocational education legislation. In that precedent, of the monies appropriated for Native Americans, Hawaiians received 16%. Similarly, then, Hawaiians should receive 16% of Native American Educational funds. Again, and most importantly, the actual amount of appropriations should be increased proportionately so that Native American Indians will still receive the same amount as currently proposed in this bill.

SUMMARY

In summary, Native Hawaiians currently suffer from a wide array of educational problems similar to those of other Native American groups. Attempts to resolve these problems will require the joint efforts of federal, state, and community groups.

My recommendations here today are as follows:

1. I recommend the passage of S. 830.
2. I support the inclusion of a directive to increase appropriations proportionate to the amount necessary in insure that Native Hawaiians receive 16% of the total funding without other Native American groups losing any.
3. Ultimately, Native Hawaiians should be an integral part of the all Native American legislation, following the precedents set in the Carl D. Perkins Vocational Education Act and other recent federal legislation which recognizes Hawaiians as Native Americans.

Chairman Andrews, I would like to thank you and the other members of your committee for your interest and attention to this matter. The Kamehameha Schools/Bishop Estate was founded in the year 1887 by the Will of Princess Bernice Pauahi Bishop, the last of the royal descendents of Kamehameha I, the Hawaiian warrior king who first united the islands. As we approach our Centennial year, we think solemnly of the task which still confronts us, and yet we think excitedly of seeing the day when cooperative efforts with the State and Federal government will result in educational parity and beyond for Native Hawaiian children.

Prepared Statement of
Dr. Richard Anderson
University of Illinois

Mr. Chairman and Members of the committee. Thank you for this opportunity to present testimony in support of Senate Bill 830. I am Professor and Director of the Center for the Study of Reading, University of Illinois at Urbana-Champaign. I am also a past president of the American Educational Research Association and was appointed by Secretary of Education Terrel Bell to serve as Chairman of the Commission on Reading for the National Academy of Education.

In January 1986, I had the pleasure of serving as chairman of an evaluation team that examined in depth the research and educational programs of the Center for Development of Early Education (CDEE) of Kamehameha Schools/Bishop Estate, in Honolulu, Hawaii. A written evaluation report of March 17, 1986, was endorsed unanimously by the team members consisting of Dr. Courtney Cazden (Harvard University), Dr. Thomas Cook (Northwestern University), Dr. Michael Doss (Arrow Creek Associates), Dr. Irene Gaskins (Benchmark School), Dr. Dorothy Strickland (Teachers College Columbia University), and myself.

The complete report is quite extensive, thus I would like to focus on but two of the areas that the evaluation team addressed; the two which S.B.

830 can impact.

First, a major instructional program for at-risk children has been developed at Kamehameha Schools through careful educational research. It is a kindergarten through grade 3 language arts program known as KEEP, the acronymn for Kamehameha Elementary Education Program. Our evaluation team stated that, "The Kamehameha Schools can be justifiably proud of the support for research that has been maintained since 1971. We know of no other educational enterprise that has had such continuity of purpose, people, and funding, and we are convinced that the success of KEEP K-3 literacy program is directly due to the 15-year research and development effort."

The KEEP language arts program was designed for and is particularly effective with at-risk multi-cultural children. (Currently, the KEEP Program is being used at Rough Rock Demonstration School with Navajo children.) Among the distinctive, positive features of the program are (1) techniques that enable teachers and children to discuss stories that are especially lively and intellectually stimulating, (2) carefully crafted procedures for classroom management emphasizing a positive atmosphere and cooperative work, and (3) "learning centers" where children work at activities geared to their level of reading proficiency.

Members of the evaluation team visited about 50 KEEP classrooms around the state. First hand impressions, and the fact that average test scores are consistently at or near the national median for the first three grades confirms the conclusion that the KEEP program works extremely well. Our collective observation is that the Hawaiian children in these classes are reading as well as children of the same age anywhere in the United States.

It should be noted that the schools in which KEEP is placed are selected because of consistently low achievement scores in conjunction with high percentages of Native Hawaiian children enrolled. Typically Native Hawaiian children in regular public school programs average between the 25th and 30th percentile on standardized tests.

One of the goals of the Kamehameha Schools is to bring Native Hawaiian children up to the 50th percentile. This is a bold goal, however, the evaluation teams feels there is a good chance Kamehameha Schools will realize this goal because of the momentum they already have, strong staff commitment and hope for additional financial resources such as S.B. 830 could provide.

The second point I wish to emphasize is the single most important recommendation made by the evaluation team--To put the KEEP language arts program in about 20 public schools in order to serve approximately 8,000 - 10,000 children, 5,000 of whom would be native Hawaiian at-risk for educational failure.

The KEEP kindergarten through third grade program has worked successfully in the regular public schools for eight years and is currently located in six schools serving nearly 2,000 children. All the at-risk target schools have been identified through the Native Hawaiian Educational Assessment Project and subsequent updating studies. Introducing the KEEP program into these schools and providing continuing consultation and site support is feasible and cost effective.

The Kamehameha Schools/Bishop Estate currently funds the cooperative effort in the public schools at the level of $600 per pupil. By simple extrapolation, it would cost an average of about 4.8 million more a year to reach the 8,000 to 10,000 student target. Attached is a brief factsheet containing dissemination projections.

In summary, the KEEP language arts program is solid and effective. It has a strong research base. It is exportable and has been proven successful in the public schools. Expansion of this program to reach more Native Hawaiian children could turn the tide for these indigenous people whose educational achievement is the lowest among the four major population groups in Hawaii.

I fully support KEEP and any efforts to extend the program to more children of Hawaii. I therefore ask that your committee pass Senate Bill 830 and any other like legislation which would facilitate the expansion of this program. Thank you again for this opportunity.

FACTSHEET

The Kamehameha Elementary Education Program (KEEP) is an Effective Program

The Kamehameha Elementary Education Program has developed a reading program of demonstrated effectiveness for children of Hawaiian ancestry who have consistently achieved below national norms. (In the initial experiment upon which subsequent KEEP curriculum has been developed, children who received 3 years of KEEP instruction scored at the 50th percentile. Matched control group children not receiving KEEP instruction scored at the 25th percentile.) The program stresses comprehension skills and utilizes teaching methods that are compatible with the children's learning styles.

External evaluations of KEEP by nationally recognized experts* have confirmed the integrity and success of this program:

"KEEP now has a reading program that works very well. ....the next task -- that of introducing KEEP...and assessing the effectiveness of KEEP...in the public schools -- is a more important and, we believe, a more difficult one." (Team 1, 1977)

"We found at KEEP a sustained effort ... to find out how to increase the chances of school success for the children of a community where educational success is not noteworthy...its unwillingness to settle for low achievement...(a) spirit of inquiry that animates its work...(Team 2, 1981)

"We are happy to be able to confirm that the KEEP program works extremely well....(The) average test scores are consistently at or near the national median for the first three grades. ....(There is a) high level of satisfaction with the program on the part of teachers, children, and especially, parents." (Team 3, 1986)

KEEP Can Be For Other At-Risk Children Too

Much of KEEP is a process which utilizes knowledge of the at-risk child's early learning styles to develop a program compatible with those styles. KEEP is working right now with Navajo children in Rough Rock, Arizona.

"...KEEP continues to explore the processes that contribute to the outcomes. It thereby may...help others to interpret the implications of KEEP's work for improving the education of children from ethnically diverse low income populations..." (Team 2, 1981)

The Experts Strongly Recommend Rapid Dissemination of KEEP

If KEEP were in twenty schools serving 5000 at-risk Hawaiian children, it could raise achievement to coincide with national norms and approach the other three major ethnic groups in Hawaii.

A State, Federal and Private PARTNERSHIP Would Enable Expansion To Occur

Kamehameha Schools/Bishop Estate (KS/BE) needs external assistance to expand this successful program into twenty schools by 1992. By that year, the KEEP reading program would be serving 9300 children; 700 at the Kamehameha Elementary Demonstration School and 8600 in the twenty public schools.

to export the program into the public schools; curriculum is developed and tested, and evaluation and research is conducted. The cost for this comprehensive laboratory school is about $2,000,000 annually.

We have developed a schedule of expansion which we believe, with shared resources, is workable. KEEP is now in six public schools. The schedule of expansion for the next seven years which includes numbers served, annual costs, (all figures in 1986 dollars) and per pupil expenditures are estimated as follows:

1986-87	6 Schools	2000 children**	$1,343,671	$560 per pupil
1987-88	8 Schools	2500 children	$1,714,671	$672 per pupil
1988-89	10 Schools	3500 children	$2,181,671	$623 per pupil
1989-90	12 Schools	4500 children	$2,647,670	$588 per pupil
1990-91	14 Schools	5867 children	$3,067,670	$523 per pupil
1991-92	17 Schools	7233 children	$3,642-670	$504 per pupil
1992-93	20 Schools	8600 children	$3,737,670	$435 per pupil

Costs are estimated to drop to $300 per pupil after KEEP has been fully placed in the twenty schools for five years.

Kamehameha Schools/Bishop Estate is anxious to participate in this partnership which will assist at-risk youngsters in reaching parity with their peers. This partnership will reverse the current trend of low achievement, low self-esteem, and reliance upon social agencies.

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* Team 1: George Gutherie, Penn State University; Ronald Johnson, University of Hawaii, 1977.

Team 2: Robert Calfee, Stanford University; Courtney Cazden, Harvard University; Richard Duran, Educational Testing Service; Margaret Griffin, University of California, San Diego; Marjorie Martus, Ford Foundation; Harriet Doss Willis, CEMREL, 1981

Team 3: Richard Anderson, University of Illinois; Courtney Cazden, Harvard University; Tom Cook, Northwestern University; Michael Doss, Arrow Creek Associates; Irene Gaskins, Benchmark Schools, Dorothy Strickland, Columbia University, 1986

**Note that these children-served statistics include non-Hawaiian children. By 1993 one-half of the 8600 children (4300) added to the 700 in the Demonstration School come to the total targeted figure of 5000 Native Hawaiian children.

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Prepared Statement of Gard Kealoha

Good morning Mr. Chairman and members of the Committee. Aloha pumehana kakou. My name is Gard Kealoha, Trustee of the Office of Hawaiian Affairs and Chairman of its Education/Culture Committee. I would like to thank Senator Mark Andrews, Chairman of this Committee, for scheduling this important hearing. The Office of Hawaiian Affairs strongly supports adoption of Senate Bill 830.

Before continuing, however, I would like to share with you a little background on the Office of Hawaiian Affairs as a means of providing the members of the Committee with some understanding of the role and interest of OHA in this matter.

THE OFFICE OF HAWAIIAN AFFAIRS

The Office of Hawaiian Affairs is governed by an elected nine-member Board of Trustees. The trustees must be of native

Hawaiian descent and are elected by eligible voters who must also be of native Hawaiian ancestry. As a result, the OHA trustees are directly accountable to their beneficiaries, the native Hawaiian people.

OHA was created in 1978 by an amendment to the Hawaii State Constitution. The basis for its establishment, however, dates back to our State Admission Act of 1959. The Act created a public land trust, the proceeds of which were to be used for five purposes. One of the purposes was the betterment of conditions for native Hawaiians.

In 1979 the State Legislature passed Act 196 which established the basic structure of OHA. This act, which was subsequently codified as Chapter 10, Hawaii Revised Statutes, set out the basic purposes, powers, duties and responsibilities of OHA. For your convenience, a copy of Chapter 10 is attached as Appendix A. Chapter 10 established OHA as the "principal public agency in this State responsible for the performance, development, and coordination of programs and activities relating to native Hawaiians." ¶ Chapter 10 also mandates OHA to serve as a receptacle for reparations and to act as a clearinghouse for federal or state assistance involving Hawaiian programs and projects. OHA is also responsible for advising, informing and coordinating federal, state and county activities relating to native Hawaiian programs. It is with this role in mind that OHA submits this testimony today.

EDUCATIONAL NEED OF THE HAWAIIANS

Senate Bill 830 will go a long ways in helping Native Hawaiians address their educational needs. Statistics have shown that these needs are great indeed. The Kamehameha Schools/Bishop Estate recently completed a Native Hawaiian Education Assessment Project Report which identifies a myriad of education and socio-economic needs.

In a needs assessment study conducted by OHA, approximately 8% of the Native Hawaiian parents surveyed indicated that they had at least one child drop out of school. Two major reasons cited for dropping out were boredom with school and pregnancy. Alternative education programs are often designed to accommodate students who would otherwise drop out of school, yet there is a lack of such alternative programs oriented to keep Hawaiians in school. In another study recently conducted by OHA it was found that of the 314 different education programs identified, alternative education is one of the least frequently offered programs. Only 12 agenices offer alternative education programs statewide.

Hawaiian studies is another program that is hardly offered, yet in the OHA needs assessment study, 16% of Hawaiian parents who are satisfied with the school system said the system could be further improved by the implementation of Hawaiian culture schools.

Parents who were dissatisfied with the school system see a need for implementation of a tutoring program and the hiring of more Hawaiian teachers as a way the system can be improved.

In 1986 Hawaiians represented 22% of the public school population, yet 30% of the students classified as hard of hearing by the Department of Education in 1986 were Native Hawaiian. Of the students classified as learning impaired, 34% were Native Hawaiian. Overall, 30% of the students classified with a handicapping condition were Native Hawaiian. This is clearly disproportionate to their percentage in the general school population.

NATIVE HAWAIIANS AS NATIVE AMERICANS

Senate Bill 830 proposes to include Native Hawaiians as Native Americans in the Indian Education Act to address their educational problems. OHA concurs that the Indian Education Act is the appropriate vehicle for improving the quality of educational services to Native Hawaiians, because we believe that Native Hawaiians should properly be considered Native Americans, such as the American Indians. Native Hawaiians share with other Native Americans similarly low socio-economic status and problems arising from maladjustment to a foreign culture which has been imposed on them. Native Hawaiians also share with other Native Americans a similar history in their relationship with the United States government. Today Native Hawaiians have the same trust relationship with the United States government as do the Indians. The courts have long recognized the federal government's unique obligation toward Indians because of this trust relationship and have upheld legislation creating programs that benefit that class of people. In addition, Hawaiians meet the original federal criteria used to determine whether a group of Indians was entitled to federal services. A Hawaii Bar Journal article reports that these criteria are:

1. Whether the group entered into prior relations with the United States;
    - -- Prior to the 1893 overthrow of the Hawaiian monarchy, the United States entered into several formal treaties and agreements with the Hawaiian Kingdom.
2. Whether the group had been denominated a tribe by an act of Congress or Executive Order;

-- Native Hawiians have been recognized by Congress in a number of acts; for example, the Hawaiian Homes Commission Act of 1920.

3. Whether the group had been treated as a tribe by other Indian tribes;

   -- Although there is no evidence that other Native American groups acknowledged Native Hawaiians, evidence exists that other third parties such as France, Great Britain and Russia recognized the Kingdom of Hawaii.

4. Whether the group had been afforded collective rights to tribal lands or funds, even though not expressly designated;

   -- Traditional Hawaiian land tenure involved collective rights to the land, as evidenced by the Hawaiian Constitution of 1840 in the Kingdom of Hawaii which declared that the land belonged to the people in common with the King acting as trustee.

5. Whether the group had exercised political authority over its members, through a tribal council or other governmental form.

   -- Political self-governance has existed for Native Hawaiians through the Kingdom of Hawaii, which existed from 1810 to 1893; the constitutional monarchy; and today through the Hawaiian Homes Commission and the Office of Hawaiian Affairs.

INCREASED FUNDING

OHA also concurs that a specific percentage of funds appropriated under the Indian Education Act and other Acts relating to Indian Education be earmarked for Native Hawaiians. In addition, however, we believe that it is important to increase funding appropriations for these acts by at least the percentage specified in Senate Bill 830 (25%) so that Native Hawaiians are not taking from what is already available to other Native Americans.

SUMMARY

In summary, I would like to reiterate OHA's support for the adoption of Senate Bill 830. There are many serious education problems in the Native Hawaiian community, and Senate Bill 830 would make it possible for Native Hawaiians to address these problems by improving the quality of educational services to meet their needs.

The Office of Hawaiian Affairs appreciates the opportunity to provide testimony on this most important subject.

ATTACHMENT

Appendix A: Chapter 10, Hawaii Revised Statutes by any student attending any elementary, intermediate, high school, college, or university in the State.

Recognition shall be through the sponsoring of student art exhibits and the granting of scholarships, monetary awards, or certificates to the student whose art work is being recognized. Any funds appropriated to the foundation may be used for the recognition of student art work. Student art work recognized under this section may be acquired for the purpose of temporary or permanent display in state buildings and public facilities pursuant to section 103-8. [L 1977, c 112, pt of §2]

[§9-5] Rules. The foundation shall adopt rules in consultation with the comptroller for the purposes of administering this chapter. Such rules shall be adopted in accordance with chapter 91. [L 1977, c 112, pt of §2]

CHAPTER 9C
ETHNIC STUDIES

[Repealed]

§§9C-1, 2 REPEALED. L 1977, c 14, §2.

Cross References

Ethnohistory studies, see §9-3(10).

[CHAPTER 10]
OFFICE OF HAWAIIAN AFFAIRS

SECTION

[10-1] DECLARATION OF PURPOSE
[10-2] DEFINITIONS
[10-3] PURPOSE OF THE OFFICE
[10-4] OFFICE OF HAWAIIAN AFFAIRS; ESTABLISHED; GENERAL POWERS
[10-5] BOARD OF TRUSTEES; POWERS AND DUTIES
[10-6] GENERAL DUTIES OF THE BOARD
[10-7] BOARD OF TRUSTEES
[10-8] ORGANIZATION; QUORUM; MEETING
10-9 COMPENSATION; EXPENSE
[10-10] ADMINISTRATOR; APPOINTMENT, TENURE, REMOVAL
10-11 SALARY OF THE ADMINISTRATOR
[10-12] ASSISTANT; STAFF
10-13 APPROPRIATIONS; ACCOUNTS; REPORTS
[10-13.5 USE OF PUBLIC LAND TRUST PROCEEDS]
10-14 BUDGET, AUDITING
[10-15] ANNUAL REPORT
[10-16] SUITS

Attorney General Opinions

Office of Hawaiian affairs constitutionally valid. Att. Gen. Op. 80-8.

Legislature may not authorize office of Hawaiian affairs to use funds derived from public land trust to better the conditions of "Hawaiians", as defined in section 10-2, distinguishing from "native Hawaiians" as defined in section 5(f) of the Admission Act. Att. Gen. Op. 83-2.

[§10-1] Declaration of purpose. (a) The people of the State of Hawaii and the United States of America as set forth and approved in the Admission Act, established a public trust which includes among other responsibilities, betterment of conditions for native Hawaiians. The people of the State of Hawaii reaffirmed their solemn trust obligation and responsibility to native Hawaiians and furthermore declared in the state constitution that there be an office of Hawaiian affairs to address the needs of the aboriginal class of people of Hawaii.

(b) It shall be the duty and responsibility of all state departments and instrumentalities of state government providing services and programs which affect native Hawaiians and Hawaiians to actively work toward the goals of this chapter and to cooperate with and assist wherever possible the office of Hawaiian affairs. [L 1979, c 196, pt of §2]

[§10-2] Definitions. In this chapter, if not inconsistent with the context:

(1) "Office" means the office of Hawaiian affairs;
(2) "Board" means the board of trustees;
(3) "Administrator" means the administrator of the office of Hawaiian affairs;
(4) "Native Hawaiian" means any descendant of not less than one-half part of the races inhabiting the Hawaiian Islands previous to 1778, as defined by the Hawaiian Homes Commission Act, 1920, as amended; provided that the term identically refers to the descendants of such blood quantum of such aboriginal peoples which exercised sovereignty and subsisted in the Hawaiian Islands in 1778 and which peoples thereafter continued to reside in Hawaii;
(5) "Hawaiian" means any descendant of the aboriginal peoples inhabiting the Hawaiian Islands which exercised sovereignty and subsisted in the Hawaiian Islands in 1778, and which peoples thereafter have continued to reside in Hawaii;
(6) "Beneficiary of the public trust entrusted upon the office" means native Hawaiians and Hawaiians. [L 1979, c 196, pt of §2]

[§10-3] Purpose of the office. The purposes of the office of Hawaiian affairs include:

(1) The betterment of conditions of native Hawaiians. A pro rata portion of all the funds derived from the public land trust shall be funded in an amount to be determined by the legislature for this purpose, and shall be held and used solely as a public trust for the betterment of the conditions of native Hawaiians. For the purpose of this chapter, the public land trust shall be all proceeds and income from the sale, lease, or other disposition of lands ceded to the United States by the Republic of Hawaii under the joint resolution of annexation, approved July 7, 1898 (30 Stat. 750), or acquired in exchange for lands so ceded, and conveyed to the State of Hawaii by virtue of section 5(b) of the Act of March 18, 1959 (73 Stat. 4, the Admissions Act), (excluding therefrom lands and all proceeds and income from the sale, lease, or disposition of lands defined as "available lands" by section 203 of the Hawaiian Homes Commission Act, 1920, as amended), and all proceeds and income from the sale, lease, or other disposition of lands retained by the

United States under sections 5(c) and 5(d) of the Act of March 18, 1959, later conveyed to the State under section 5(e);
(2) The betterment of conditions of Hawaiians;
(3) Serving as the principal public agency in this State responsible for the performance, development, and coordination of programs and activities relating to native Hawaiians and Hawaiians; except that the Hawaiian Homes Commission Act, 1920, as amended, shall be administered by the Hawaiian homes commission;
(4) Assessing the policies and practices of other agencies impacting on native Hawaiians and Hawaiians, and conducting advocacy efforts for native Hawaiians and Hawaiians;
(5) Applying for, receiving, and disbursing, grants and donations from all sources for native Hawaiian and Hawaiian programs and services; and
(6) Serving as a receptacle for reparations. [L 1979, c 196, pt of §2]

[§10-4] Office of Hawaiian affairs; established; general powers. There shall be an office of Hawaiian affairs constituted as a body corporate which shall be a separate entity independent of the executive branch. The office, under the direction of the board of trustees, shall have the following general powers:
(1) To adopt, amend, and repeal by-laws governing the conduct of its business and the performance of the powers and duties granted to or imposed upon it by law;
(2) To acquire in any lawful manner any property, real, personal, or mixed, tangible or intangible, or any interest therein; to hold, maintain, use, and operate the same; and to sell, lease, or otherwise dispose of the same at such time, in such manner and to the extent necessary or appropriate to carry out its purpose;
(3) To determine the character of and the necessity for its obligations and expenditures, and the manner in which they shall be incurred, allowed, and paid, subject to provisions of law specifically applicable to the office of Hawaiian affairs;
(4) To enter into and perform such contracts, leases, cooperative agreements, or other transactions with any agency or instrumentality of the United States, or with the State, or with any political subdivision thereof, or with any person, firm, association, or corporation, as may be necessary in the conduct of its business and on such terms as it may deem appropriate;
(5) To execute, in accordance with its by-laws, all instruments necessary or appropriate in the exercise of any of its powers; and
(6) To take such actions as may be necessary or appropriate to carry out the powers conferred upon it by law. [L 1979, c 196, pt of §2]

[§10-5] Board of trustees; powers and duties. The board shall have the power in accordance with law to:
(1) Manage, invest, and administer the proceeds from the sale or other disposition of lands, natural resources, minerals, and income derived from whatever sources for native Hawaiians and Hawaiians, including all income and proceeds from that pro rata portion of the trust referred to in section 10-3, of this chapter;

(2) Exercise control over real and personal property set aside to the office by the State of Hawaii, the United States of America, or any private sources, and transferred to the office for native Hawaiians and Hawaiians;

(3) Collect, receive, deposit, withdraw, and invest money and property on behalf of the office;

(4) Formulate policy relating to the affairs of native Hawaiians and Hawaiians, provided that such policy shall not diminish or limit the benefits of native Hawaiians under Article XII, section 4, of the state constitution;

(5) Otherwise act as a trustee as provided by law;

(6) Delegate to the administrator, its officers and employees such powers and duties as may be proper for the performance of the powers and duties vested in the board;

(7) Provide grants to public or private agencies for pilot projects, demonstrations, or both, where such projects or demonstrations fulfill criteria established by the board;

(8) Make available technical and financial assistance and advisory services to any agency or private organization for native Hawaiian and Hawaiian programs, and for other functions pertinent to the purposes of the office of Hawaiian affairs. Financial assistance may be rendered through contractual arrangements as may be agreed upon by the board and any such agency or organization; and

(9) Adopt and use a common seal by which all official acts shall be authenticated. [L 1979, c 196, pt of §2]

[§10-6] General duties of the board. (a) The general duties of the board shall be:

(1) To develop, implement, and continually update a comprehensive master plan for native Hawaiians and Hawaiians which shall include, but not be limited to, the following:
    (A) Compilation of basic demographic data on native Hawaiians and Hawaiians;
    (B) Identification of the physical, sociological, psychological, and economic needs of native Hawaiians and Hawaiians;
    (C) Establishment of immediate and long-range goals pursuant to programs and services for native Hawaiians and Hawaiians;
    (D) Establishment of priorities for program implementation and of alternatives for program implementation; and
    (E) Organization of administrative and program structure, including the use of facilities and personnel;

(2) To assist in the development of state and county agency plans for native Hawaiian and Hawaiian programs and services;

(3) To maintain an inventory of federal, state, county, and private programs and services for Hawaiians and native Hawaiians and act as a clearinghouse and referral agency;

(4) To advise and inform federal, state, and county officials about native Hawaiian and Hawaiian programs, and coordinate federal, state, and county activities relating to native Hawaiians and Hawaiians;

(5) To conduct, encourage, and maintain research relating to native Hawaiians and Hawaiians;

(6) To develop and review models for comprehensive native Hawaiian and Hawaiian programs;

(7) To act as a clearinghouse for applications for federal or state assistance to carry out native Hawaiian or Hawaiian programs or projects;

(8) To apply for, accept and administer any federal funds made available or allotted under any federal act for native Hawaiians or Hawaiians; and

(9) To promote and assist the establishment of agencies to serve native Hawaiians and Hawaiians.

(b) The board shall have any powers which may be necessary for the full and effective performance and discharge of the duties imposed by this chapter, and which may be necessary to fully and completely effectuate the purposes of this chapter. [L 1979, c 196, pt of §2]

[§10-7] Board of trustees. The office of Hawaiian affairs shall be governed by a board to be officially known as the board of trustees, office of Hawaiian affairs. Members of the board shall be elected in accordance with chapter 13D, with reference to sections 11-15, 11-25, 12-5, [and] 12-6, and vacancies shall be filled in accordance with section 17-7. [L 1979, c 196, pt of §2]

Revision Note

Bracketed "and" was added.

[§10-8] Organization; quorum; meeting. The board, at its first meeting after an election, shall elect from its own membership a chairperson and a vice-chairperson who shall serve a term of two years. Their election shall be immediately certified by the board to the lieutenant governor.

A majority of all members to which the board is entitled shall constitute a quorum to do business. The concurrence of a majority of all members to which the board is entitled shall be necessary to make any action of the board valid; provided that due notice shall be given to all members.

Meetings shall be called and held at the call of the chair or by a quorum, as often as may be necessary for transaction of the board's business. The board shall meet at least once annually on each of the islands of Hawaii, Maui, Molokai, Lanai, Kauai, and Oahu. [L 1979, c 196, pt of §2]

§10-9 Compensation; expense. Members of the board shall be allowed:

(1) Compensation at the rate of $50 a day for each day's actual attendance at meeting;

(2) Transportation fares between islands and abroad; and

(3) Personal expenses at the rates specified by section 78-15, while attending board meetings or while on official business as authorized by the chairperson, when such board meetings or official business shall require a member to leave the island upon which the member resides. [L 1979, c 196, pt of §2; am L 1981, c 148, §1]

Note. L 1981, c 148, amended this section employing the Ramseyer format, but omitted, without setting out in brackets, the former last paragraph which read: "All payments for compensation, travel, and expenses shall be paid by warrants signed by the chairperson of the board."

Amendment Note

L 1981 amended section generally.

[§10-10] Administrator; appointment, tenure, removal. The board by a majority vote, shall appoint an administrator who shall serve without regard to the provisions of chapters 76 and 77 for a term to be determined by the board. The board, by a two-thirds vote of all members to which it is entitled, may remove the administrator for cause at any time. [L 1979, c 196, pt of §2]

§10-11 Salary of the administrator. The salary of the administrator shall be established by the board; provided that such salary shall not exceed the salary of department heads or executive officers established by law. The administrator shall be included in any benefit program generally applicable to officers and employees of the State. [L 1979, c 196, pt of §2; am L 1981, c 130, §2]

Amendment Note

L 1981 amended first sentence.

[§10-12] Assistant; staff. The administrator may employ and retain such officers and employees as may be necessary, subject to the approval of the board, to carry out the functions of the office. Such officers and employees may be hired without regard to chapters 76 and 77, and shall serve at the pleasure of the administrator. Officers and employees of the office of Hawaiian affairs shall be included in any benefit program generally applicable to officers and employees of the State. [L 1979, c 196, pt of §2]

Cross References

Services of volunteers, see §90-1.

§10-13 Appropriations; accounts; reports. Moneys appropriated by the legislature for the office shall be payable by the director of finance, upon vouchers approved by the board, or by any officer elected or appointed by the board and authorized by the board to approve such vouchers on behalf of the board. All moneys received by or on behalf of the board shall be deposited with the director of finance and kept separate from moneys in the state treasury; except that any moneys received from the federal government or from private contributions shall be deposited and accounted for in accordance with conditions established by the agencies or persons from whom the moneys are received; and except that with the concurrence of the director of finance, moneys received from the federal government for research, training, and other related purposes of a transitory nature, and moneys in trust or revolving funds administered by the office, shall be deposited in depositories other than the state treasury and shall be reported on to the state comptroller under section 40-81, and rules prescribed thereunder. Income derived from the sale of goods or services and income from lands and property as described in section 10-3, shall be credited to special or other funds; provided that upon the recommendation of the office, the comptroller shall establish such other separate accounts or special funds for other designated revenues as may be directed by the board or its authorized representative. [L 1979, c 196, pt of §2; am L 1981, c 37, §2]

Amendment Note

L 1981 added reference to §40-81.

[§10-13.5 Use of public land trust proceeds.] Twenty per cent of all funds derived from the public land trust, described in section 10-3, shall be expended by the office, as defined in section 10-2, for the purposes of this chapter. [L 1980, c 273, §1]

§10-14 Budget, auditing. (a) Not less than twenty days before the legislature convenes in every odd-numbered year, the board shall submit to the legislature and to each member thereof, a budget which shall contain the recommendations of the board for the succeeding two fiscal years.

(b) Not less than twenty days before the legislature convenes in an even-numbered year, the board may submit to the legislature a supplemental budget to amend any appropriations for the current fiscal biennium or prior fiscal periods.

(c) The office shall be subject to government audit. [L 1979, c 196, pt of §2; am L 1982, c 224, §2]

Note. For budgetary guidelines, see L 1983, c 202, §6.

Amendment Note

L 1982 rewrote section.

[§10-15] Annual report. The board shall prepare and make public their annual report which shall include an enumeration of their activities, income, and expenditures during the year. The annual report shall be submitted to the governor and the legislature ten days prior to the convening of each regular session of the legislature. The board shall prepare and submit special reports as may be required by the legislature. [L 1979, c 196, pt of §2]

[§10-16] Suits. (a) The office may sue and be sued in its corporate name. The State shall not be liable for any acts or omissions of the office, its officers, employees, and the members of the board of trustees, except as provided under subsection (b).

(b) In matters of tort, the office, its officers and employees, and the members of the board shall be subject to suit only in the manner provided for suits against the State under chapter 662.

(c) In matters of misapplication of funds and resources in breach of fiduciary duty, board members shall be subject to suit brought by any beneficiary of the public trust entrusted upon the office, either through the office of the attorney general or through private counsel.

(d) In matters involving other forms of remedies, the office, its officers and employees, and the members of the board shall be subject to suit as provided by any other provision of law and by the common law. [L 1979, c 196, pt of §2]

Severability, see L 1979, c 196, §11.

Prepared Statement of

Winona E. Rubin

ALU LIKE, Incorporated

Honolulu, Hawaii

June 12, 1986

Chairman Andrews and members of the committee...Aloha, I am Winona Kealamapuana Ellis Rubin, President/Chief Executive Officer of ALU LIKE, Incorporated. On behalf of the Board of Directors we extend our Aloha and appreciation for being invited to present testimony on S. 830--a bill to amend the Indian Education Act and other acts relating to Indian education.

ALU LIKE, Incorporated, is a private non-profit, community-based statewide organization with over 15,000 members. ALU LIKE has as a primary public purpose that of assisting native Hawaiians to develop economic and social self-sufficiency.

ALU LIKE is funded from several sources including the Administration for Native Americans (ANA) of the Department of Health and Human Services, The Division of Indian and Native American Programs (DINAP) of the Department of Labor, The State of Hawaii, County of Maui, private foundations and individual donors.

In fiscal year 1976, ALU LIKE conducted a needs assessment survey among Hawaiian Natives in the State of Hawaii which identified education as priority number one, It still remains number one. Since then, the data has been expanded upon through additional ALU LIKE research, extraction of data from existing sources, as well as collection and analysis of information from public and private sources so that presently, ALU LIKE has the most comprehensive information about Native Hawaiians in the State of Hawaii.

Let me briefly review highlights of the data on Native Hawaiians some of which is contained in Appendix A of my testimony.

Hawaiians comprise approximately 179,000 (19%) of the State's population.

The number of Hawaiians in the population on each Island ranges from 15% on Lana'i to 62% on Moloka'i and nearly 100% on Ni'ihau. However, 68% of the Native Hawaiians in the State live on O'ahu.

Approximately half of the Hawaiians are age 19 and below compared to 32.2% for the State population.

31% of the Hawaiian households are living below poverty levels.

40% of those living below poverty levels in the State are Hawaiian.

10% of the Hawaiian adults were unemployed in 1980 -- nearly twice the Statewide rate; and Hawaiians are significantly underrepresented in those occupations requiring professional degree study, including teachers.

Approximately 66% of the youth in correctional institutions are Hawaiian.

Approximately 32% of Hawaiians age 25 and older have not finished High School.

Approximately 35 - 38% of the 34,000 Hawaiians in public schools are in Stanines 1-3 for reading and math which is equivalent to the 1-22 percentile range.

Of learning disabled youth in the public schools 1,236 or 76.5% are Hawaiian.

Let me emphasize that the majority of Hawaiians are productive, contributing proud citizens of the State and Nation. However, as you can see from the data we have provided and other information provided by the Kamehameha Schools/Bishop Estate, Office of Hawaiian Affairs, and others, there are still significant needs to be addressed to prevent further magnifying of the problems.

Substantial evidence links some of these negative social indicators to the lack of educational achievement. An ALU LIKE cost benefit study of 1979 (in Appendix C) states that "both Welfare eligibility rates and criminal offender rates are negatively correlated with educational achievement among Native Hawaiians.

We know from experience in ALU LIKE's Statewide Employment and Training Program that there is a direct relationship between unemployment and lack of educational success. Also, if we update the calculations of ALU LIKE's earlier cost-benefit study into 1983 dollars, the following statement can be made: For each additional year of school completed, an individual Native Hawaiian's income rises by $1,235.

In the ALU LIKE needs assessment in 1976, parents indicated that schools are not sensitive to the needs of children with a culturally Hawaiian life-style. Hawaiian children are in need of early education preparation for the public schools as a way of integrating their cultural oriention with that of the vastly different orientation in the public elementary schools they will attend. The parents consider acceptable cultural approaches in teaching the basic skills and the inclusion of Hawaiian studies as an integral part of the curriculum to be very critical to the success of their children.

ALU LIKE's experience with pilot projects in the Native Hawaiian community has included:

The Halau o Haleiwa Project on Oahu which has focused on teaching basic Language Arts skills through Hawaiian cultural concepts to all younsters Kindergarten though Grade 3 at Haleiwa Elementary School.

The Hale Ola o Hoopakolea Project on the Waianae Coast of Oahu which has forcused on community-based, culturally-sensitive approaches to prevention, delivery of services and mental health treatment for Native Hawaiians.

The He Alaka'ina I Ke Kumu Project in Windward Oahu which produced videos entitled Ohana in the Family featuring the late Kupunawahine (elder) Edith Kanakaole and Ohana in the Classroom featuring Mahealani Pescaia encouraging culturally sensitive learning approaches.

Thirteen projects have been initiated by ALU LIKE starting in late 1985 utilizing funds from the Library Services and Construction Act to address literacy, reading support and public library access, graduate training of librarians, and outreach to isolated communities.

ALU LIKE is implementing this year approximately twenty projects in collaboration with the community colleges, Department of Education, other educational institutions and community groups using the resources of the Carl D. Perkins Vocational Education Act.

Other smaller community-based projects have been initiated through ALU LIKE Island Centers.

In each instance, culturally-sensitive approaches have been successful where heretofore other results have been minimal. However, training of teachers in culturally sensitive techniques requires additional resources. The teaching of youngsters using culturally-relevant approaches will require additional resources.

The collective resources of Federal, State and Private sector are needed to address the education and education-related needs of Hawaiians in order to make significant impact.

RECOMMENDATIONS

Over the ten years that ALU LIKE has been facilitating forums for the exchange of information and solutions to problems, there have been recurring recommendations from the Hawaiian community. They include:

1. **The definition of Hawaiian native in recent Native Hawaiian legislation such as the Carl D. Perkins Vocational Education Act should be retained consistently for present and future legislation.**

2. **Funds should be provided for Hawaiian programs without reducing funds allocated to other Native American groups whose needs are great and similar to those of Hawaiians.**

3. **Hawaiian programs should be planned and implemented by and accountable to the Hawaiian community.**

4. **Culturally-relevant approaches and stategies, are significant to the success of educational programs for Hawaiians.**

ALU LIKE supports those four often-stated Hawaiian community positions based upon our experiences in administering a variety of programs and our study and analysis of the needs of the Hawaiian natives.

In addition, we recommend that the title of S.830 should retain the word "Indian" and incorporate Native Americans. Therefore, the bill would be entitled the "Indian and Native American Education Act." This action re-emphasizes the concern of Hawaiians that the inclusion of Hawaiian natives in the legislation should not erode from existing Indian programs, nor reduce funds allocated for existing programs.

The introduction of S.830 by Senator Melcher, Senator Inouye, and Senator Matsunaga comes after a long history of attempts to address the significant educational needs of Hawaiian natives which are similar to those of other Native American groups. With the combined resources of Federal, State, and the community, Senate bill 830 can make educational parity for Hawaiian natives a reality at last.

Mahalo (thank you) for the opportunity to make this statement.

APPENDIX A - TABLE 1

Number and Percent of All Hawaiians in the Population of the State of Hawaii, 1980, by Island and Age

Five-year Age Group	Hawaii		Kauai		Maui		Molokai		Lanai		Oahu		State	
	Hawaiians	Total	Hawaiians	Total	Hawaiians	Total	Hawaiians	Total	Hawaiians	Total	Hawaiians	Total	Hawaiians	Total
Under 5	4,084(52%)	7,803	994(36%)	2,779	1,721(36%)	4,756	423(71%)	592	13(13%)	104	14,340(25%)	56,766	21,575(30%)	72,800
5- 9	2,941(43%)	6,890	1,181(34%)	3,496	1,316(33%)	4,048	304(75%)	406	26(25%)	104	14,731(27%)	54,778	20,499(29%)	69,720
10-14	4,071(46%)	8,901	1,109(35%)	3,214	1,720(32%)	5,414	625(82%)	761	52(33%)	156	14,894(24%)	61,137	22,471(28%)	79,583
15-19	3,994(53%)	7,543	1,121(31%)	3,629	2,125(39%)	5,465	592(73%)	811	39(19%)	208	15,898(24%)	65,928	23,769(28%)	83,584
20-24	2,608(46%)	5,623	402(18%)	2,278	1,518(33%)	4,655	254(68%)	372	*	117	9,582(14%)	70,990	16,364(17%)	84,035
25-29	1,959(27%)	7,369	457(17%)	2,765	1,215(21%)	5,769	152(41%)	372	26(33%)	78	8,447(12%)	69,821	12,256(14%)	86,154
30-34	1,829(26%)	6,964	407(15%)	2,796	506(10%)	5,111	152(60%)	253	13(33%)	39	8,130(13%)	62,572	11,037(14%)	77,735
35-39	1,115(22%)	5,068	606(24%)	2,529	860(24%)	3,643	169(56%)	304	26(22%)	117	6,984(16%)	44,051	9,760(18%)	55,712
40-44	1,436(37%)	3,894	241(13%)	1,866	607(19%)	3,238	220(57%)	389	39(19%)	208	6,556(18%)	36,585	9,099(20%)	46,180
45-49	1,052(21%)	5,032	364(16%)	2,224	506(17%)	2,985	169(71%)	237	*	65	4,436(13%)	34,182	6,527(15%)	44,725
50-54	1,316(26%)	5,409	203(11%)	1,793	607(15%)	4,149	101(38%)	270	13(7%)	195	4,238(11%)	37,277	6,478(13%)	49,173
55-59	965(18%)	5,168	255(10%)	2,480	253(6%)	3,997	84(33%)	253	26(18%)	143	2,403(7%)	36,631	3,966(8%)	48,672
60-64	495(12%)	4,321	223(13%)	1,696	50(2%)	2,682	169(67%)	253	26(22%)	117	2,991(9%)	32,965	3,954(9%)	42,032
65-69	700(16%)	4,272	34(2%)	1,994	202(8%)	2,631	51(25%)	203	26(10%)	260	3,236(12%)	26,005	4,251(12%)	35,365
70-74	316(11%)	3,016	36(3%)	1,346	155(11%)	1,417	68(25%)	270	*	117	1,693(11%)	15,702	2,265(10%)	21,868
75 & Over	528(21%)	2,526	92(8%)	1,222	101(6%)	1,822	84(83%)	101	*	91	1,191(6%)	18,699	1,996(8%)	24,461
Unknown	159(12%)	1,362	18(11%)	166	152(19%)	810	17(33%)	51	*	*	840(14%)	6,082	1,186(14%)	8,471
All Ages	29,348(32%)	91,221	7,745(20%)	38,269	13,611(22%)	62,592	3,634(62%)	5,898	325(15%)	2119	120,590(17%)	730,171	175,453(19%)	930,270

*Number too small to be sampled in the Survey.

Source: Data generated for ALU LIKE from the ongoing Health Survey of the Health Surveillance Program of the Hawaii State Department of Health, September, 1981.

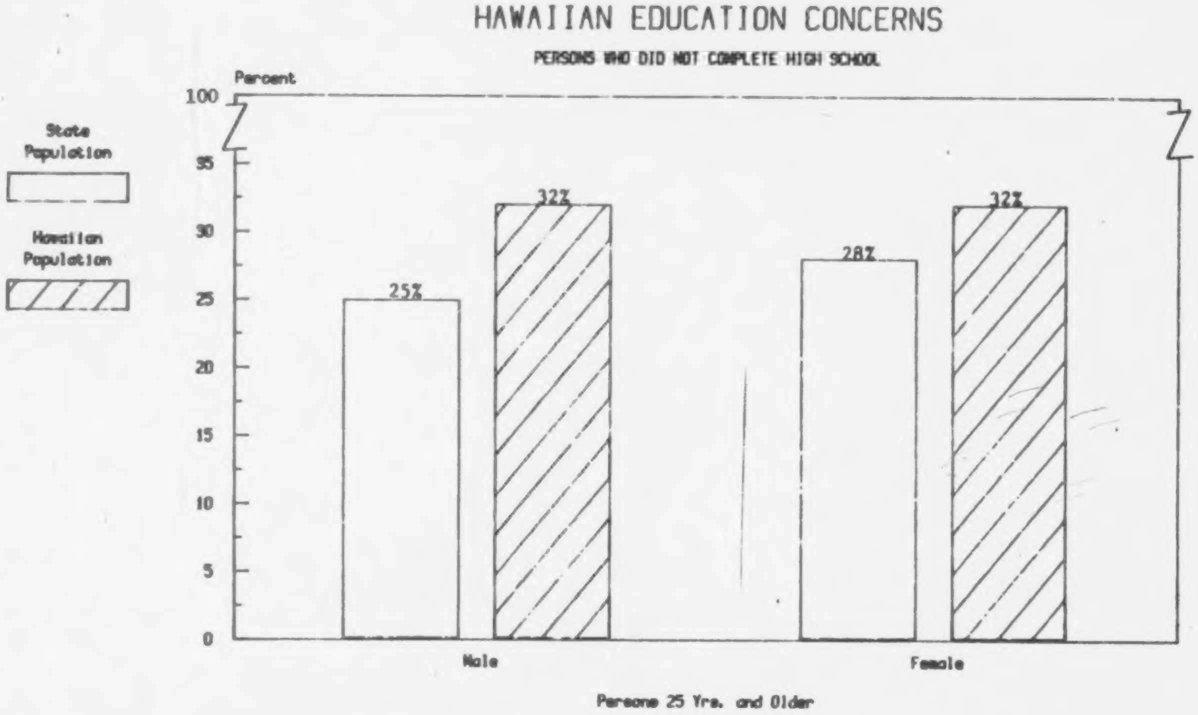
APPENDIX A - TABLE 2 -

Number and Percent of Children Aged 3-5 in the State of Hawaii Population Who Are Native Hawaiian

County	Total Number of Children Aged 3-5 in State	Native Hawaiian Children Aged 3-5	
		Number	Percent
Kauai	1,920	782	40.7%
Hawaii	3,899	1,932	49.6
Maui	3,333	1,380	41.4
Honolulu	34,064	10,351	30.4
TOTAL	43,216	14,445	33.4

Source: Data generated by Hawaii State Department of Health, Health Surveillance Program, April 1980.

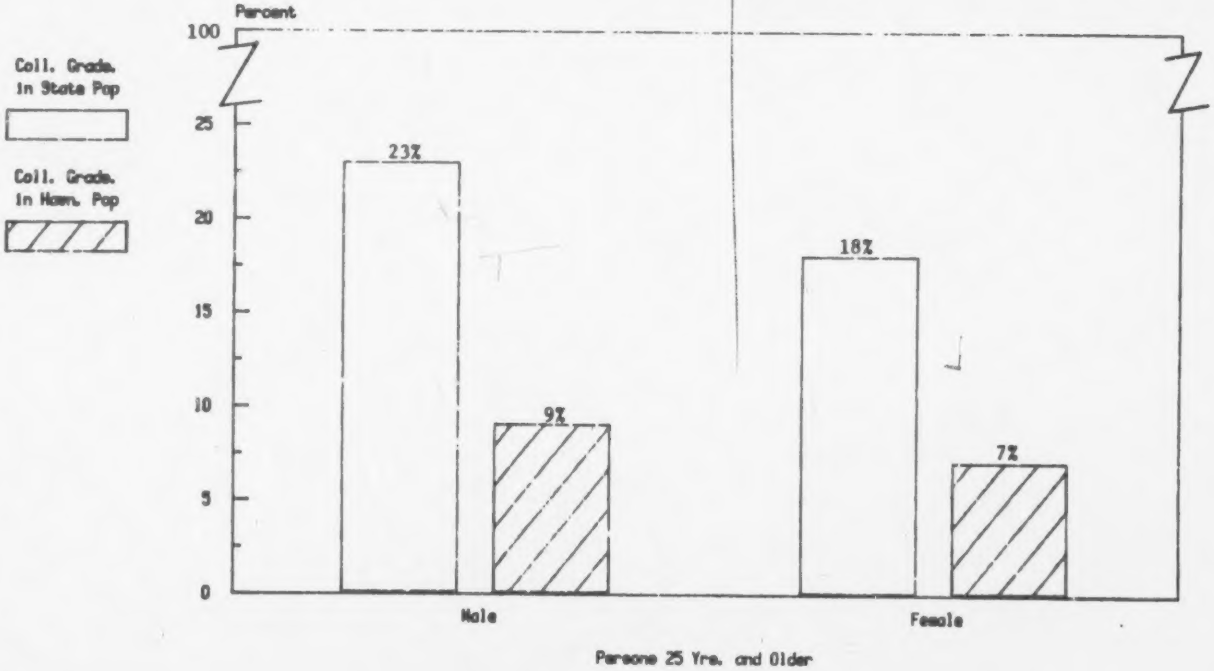
APPENDIX A - Table 3



Source: 1980 Census of Population, General Social and Economic Characteristics: Hawaii, PC80-1-C13, Bureau of the Census, Washington DC, June 1983.

APPENDIX A - Table 4

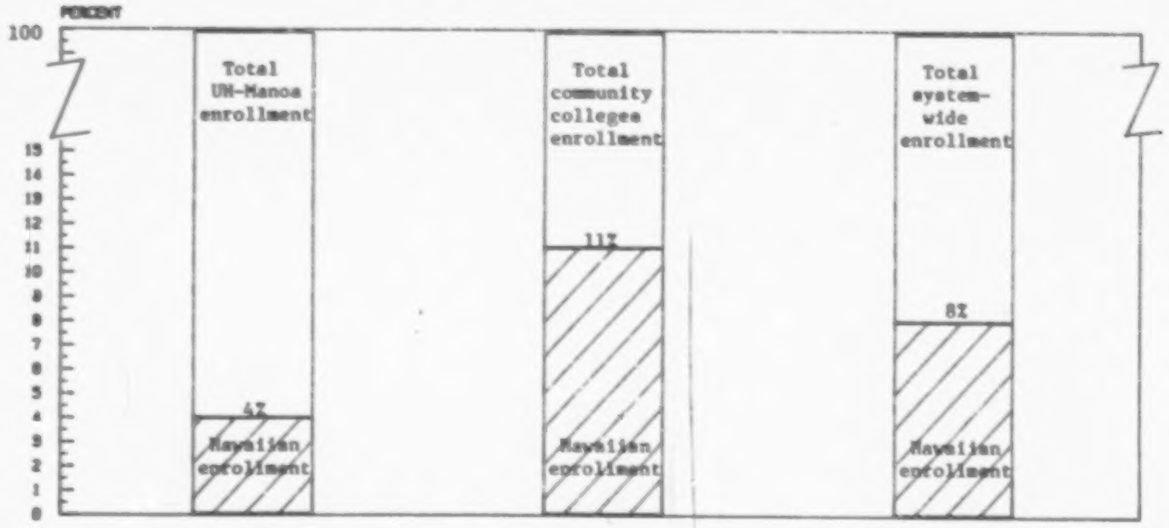
HAWAIIAN HIGHER EDUCATION CONCERNS



Source: 1980 Census of Population, General Social and Economic Characteristics: Hawaii, PC80-1-C13, Bureau of the Census, Washington DC, June 1983.

APPENDIX A - Table 5

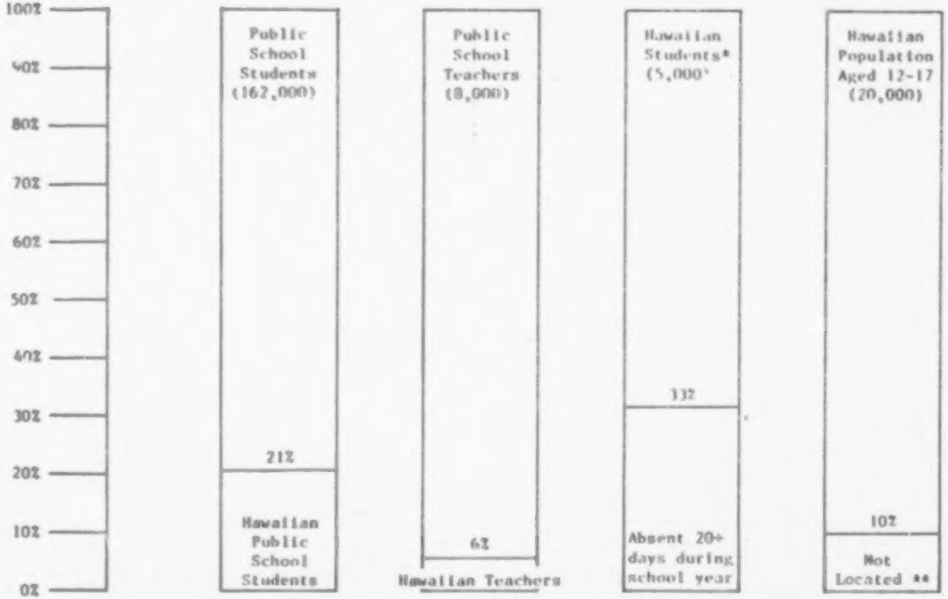
HAWAIIAN HIGHER EDUCATION CONCERNS



Source: Summary of Revised Estimates of Underrepresentation of Filipino and Hawaiian Enrollments at the University of Hawaii, Department of Sociology, University of Hawaii at Manoa, March 1983.

APPENDIX - TABLE 6

HAWAIIAN EDUCATION CONCERNS



*Hawaiian Students = Hawaiian/Part-Hawaiian students in 16 Public, Intermediate and High School with over 40% Hawaiian/Part-Hawaiian enrollment.

**Estimates of Hawaiian population aged 12-17 minus Hawaiian Public and Private Intermediate and High School students. (Mobility of population, including military dependents, and other factors may reduce this percentage)

Source: Estimates generated by Alu Like based on 1979 data.

PREPARED STATEMENT OF KEITH W. MIELKE, Ph.D.

I am Keith Mielke, Vice President for Research at the Children's Television Workshop in New York. I am here to speak in support of the concept of special programs for gifted and talented children. In particular, our experience is most relevant to the area where such programs might utilize educational television materials. Such special programs are described in the proposed legislation cited as the "Native American Gifted and Talented Educational Assistance Act of 1985."

I should state at the outset that I am not a specific expert either in the special needs of the gifted and talented or in the special needs of Indians or Native Hawaiians. The perspective that I do bring draws upon the unique experience of the Children's Television Workshop, which has been addressing special needs of children for almost two decades now. The hope and the belief is that this general experience may be helpful in this specific case. It is not anticipated that CTW would produce any television materials that might result from the proposed legislation, but we would be willing then, as we are now, to share knowledge and experiences which could be helpful.

CTW designs and produces educational materials that use mass media such as television. The first educational television series for children produced at CTW was Sesame Street, which premiered in 1969. Sesame Street is designed to help preschool children get ready for classroom experience. This was followed by The Electric Company, which was basic reading instruction aimed at children 7-10 years of age. Then CTW produced a science series for 8-12's called 3-2-1 CONTACT, and our most recent series, which is about mathematics, will premiere next January. These four series comprise a considerable body of experience in the design, production, and evaluation of educational materials for children. As stated before, if this experience can be of any assistance in the planning of programs for the gifted and talented, then we are delighted to share it with you.

There are several comments now I'd like to make about the proposed legislation. One form of demonstration project that would qualify for funding would be the use of public television in meeting the special educational needs of gifted and talented children. CTW is honored to have been cited as exemplifying the use of television in meeting special needs of children.

In my opinion, certain media options are true opportunities to be explored and certain other media options do not appear to be feasible given the nature of television and the budget levels being considered.

Let's look first at the constraints. The funding available for mass media programming is typically tied to the number of people being served. Specialized needs of any subgroup, even important needs like those of the gifted and talented, tend not to generate adequate funding for original, exclusive, specialized programming on mass media such as broadcast television. Sesame Street, for example, is expensive in absolute numbers - -about $10 million per year - -but is quite inexpensive in its delivered cost per viewer - - less than a penny per child per program. It is the attraction of very large audiences that makes possible that economy of scale where high production and pedagogical values can be justified. Within these general audience programs we do include segments for children with special needs, such as hearing impaired, mental retardation, physically handicapped, and so forth, but the overall show retains its appeal to all children, and that is critical to its level of funding.

A very promising option in addressing the special needs of the gifted and talented at much lower costs would be to select media materials already available and tailor them with special utilization materials. For example, if an adult program such as NOVA might be appealing to a gifted and talented child if only certain bridging concepts could be mastered, then a special utilization kit could be designed for that purpose, and special training could be developed for adult leaders to guide the children through the process. Conceivably, these adult leaders could be teachers, paraprofessionals, or parents. This same approach of tailoring existing programs for the gifted and talented might also be made for very young children using our CTW programs in science and mathematics. I note in the Hawaii Public Television Guide that an enormous number of programs are broadcast that are potentially useful in this manner, but they would need to be tailored through special utilization materials.

The procedures we use at CTW to design and produce educational materials should also apply to utilization packages for the gifted and talented. My function at CTW, for example, is to oversee our in-house research, which is involved at all stages of a project. This includes needs assessments and goal-setting at the very beginning of a project. It includes representing the children's viewpoint when materials are designed. It goes on to the testing of prototype materials for appeal and comprehension with target-age children, and it culminates in the evaluations of completed programs. These same steps and issues will be encountered in the proposed programs for the gifted and talented. All of these procedures can be shared with whichever institutions and groups eventually put the materials together for the gifted and talented.

If the needs assessment could first identify who has what set of needs in the gifted and talented category, and if this would then be followed by designing a responsive protocol or set of procedures that involved both media materials and a guide for adult leaders, then the possibility exists to reach great efficiencies with a reproducible model that is very effective. That is my fundamental suggestion, and there is reason to be optimistic about its outcomes. At CTW, for example, we have a community outreach division called Community Education Services, or CES. One of many special utilization efforts by CES has been to design special materials on fire safety along just the lines I am proposing here: they combine television materials on videotape, along with a carefully constructed guide for a local group leader. Other subject areas addressed by Community Education Services at CTW include the special needs of children whose fathers are in prison, special life-saving messages appropriate for children in the areas of lead poisoning and natural hazards. I base the argument that this model would be useful here for the gifted and talented, not on specific experience with the gifted and talented, but on the field-tested procedures we have successfully employed in so many different subject-matter areas.

Once prototype materials are produced, it is inevitable that they can be improved through evaluations under field conditions. Again, the particular materials for the gifted and talented may be new, but the issues are not.

I have been speaking so far only about CTW experiences with preschool children and children up to twelve years of age, because that's where our series are aimed. There are also needs and opportunities in high schools that are coming to the attention of the in-school television community. Because of budget pressures, some high schools have had to cut back on specialized courses such as Chinese language studies that were previously made available for gifted and talented students. The schools now conclude that the only way they can afford these services is to spread the expense more broadly by televised courses or the use of other technologies. Furthermore, small schools in rural areas perceive that the only way they would ever be able to offer some of these specialized courses, in good economic times or bad, is by way of technology such as television. For younger and older children, therefore, educational television has something worthwhile to consider.

In summary, the Children's Television Workshop supports the concept of special efforts, materials and activities to meet the needs of gifted and talented children. We have a wide variety of experience at the Children's Television Workshop in designing, producing and utilizing educational materials that are targeted to special audiences, and we would be delighted to share this expertise with you in any way that you would find helpful.

I would also be happy to respond to any questions you might have for me at this time. Thank you.

NATIONAL
ADVISORY COUNCIL
ON INDIAN EDUCATION

2000 L Street, N.W., Suite 574
Washington, D.C. 20036
(202) 634-6160

June 11, 1986

Hon. Mark Andrews
SH-838 Hart Senate Office Building
Washington, DC 20510

Dear Senator Andrews:

Thank you for the invitation to present testimony on S. 830, a bill to amend various provisions of the Indian Education Act to provide eligibility for Native Hawaiians.

Chairman Michael Stepetin and designated Council Members will not present oral testimony but the attached written testimony is submitted for you and your committee.

The National Advisory Council on Indian Education strongly supports legislation to provide educational services to Native Hawaiians. We recommend that separate legislation be provided. Our written testimony provides our reasoning.

Sincerely,

Lincoln C. White
Lincoln C. White
Executive Director

enc.

A Presidential Council Established by Congress

Prepared Statement of Michael Stepetin, chairman, National Advisory Council On Indian Affairs

Mr. Chairman, members of the Senate Select Committee on Indian Affairs, I thank you for the opportunity to appear today. I am here in behalf of the National Advisory Council on Indian Education (NACIE). Today we are testifying on S. 830, a bill to amend various provisions of "The Indian Education Act of 1972, as amended," to provide eligibility for Native Hawaiians.

The National Advisory Council on Indian Education, as mandated in Public Law 92-318, "The Indian Education Act of 1972," as amended, Sec. 442 (b)(1), "...shall advise the Secretary of Education with respect to the administration (including the development of regulations and of administrative practices and policies) of any program in which Indian children or adults participate from which they can benefit ... and with respect to adequate funding thereof;" (See Appendix A)

NACIE supports current efforts to improve the quality of education for all U.S. citizens; this includes Native Hawaiians. The Council does not oppose efforts on the part of the U.S. Government to meet the educational needs of Native Hawaiians. However, the Indian Education Act was established specifically to provide legislative authority for programs designed to meet the unique educational and cultural related needs of American Indians. These needs were substantiated in several studies. One of the most important studies was published in 1969 by the Special Senate Subcommittee on Indian Education, "Indian Education: A National Tragedy -- A National Challenge." Indian people acknowledge the legal and political relationship that has existed between the U.S. Government and the Indian tribes for almost 200 years, as substantiated by treaties, federal laws, judicial decisions and executive orders. NACIE upholds this relationship and feels that the proposed change to include Native Hawaiians in the Indian Education Act violates the U.S. Federal government to American Indian tribal relationship. Therefore, NACIE as an American Indian and Alaska Native group opposes the inclusion of Native Hawaiians into any Indian education funds from the U.S. Government.

The proposed inclusion of Native Hawaiians for Indian Education Act monies is a serious aberration of the current and historic legal and political relationship between the American Indians tribes and the U.S. Government. S. 830 would redefine the term "Indian" to "Native American" in that it would now include Native Hawaiian. Sec. 453 [P.L. 92-318, The Indian Education Act of 1972] states,

> For the purpose of this title, the term "Indian" means any individual who (1) is a member of a tribe, band, or other organized group of Indians, including those tribes, bands, or groups terminated since 1940 and those recognized now or in the future by the State in which they reside, or who is a descendant, in the first or second degree, of any such member, or (2) is considered by the Secretary of the Interior to be an Indian for any purpose, or (3) is an Eskimo or Aleut or other Alaska Native, or (4) is determined to be an Indian under regulations promulgated by the Secretary, after consultation with the National Advisory Council on Indian Education, which regulations shall further define the term "Indian."

Consultation with NACIE and all federally-recognized American Indian tribes and Alaska Natives must be conducted before any changes occur in the Indian Education Act, or any other Acts that benefit Indian students. The benchmark for insuring consultation between Indian tribes and the U.S. Government prior to legislative and/or budget proposals is P.L. 93-638, "Indian Self-Determination and Education Assistance Act". This Federal trust responsibility to Indian education is most explicit in the opening language of this Act:

> The Congress hereby recognizes the obligation of the United States to respond to the strong expression of the Indian people for self-determination by assuring maximum Indian participation in the direction of educational as well as other Federal services to Indian communities so as to render such services more responsive to the needs and desires of those communities.

NACIE also opposes S. 830 on the grounds that it would allocate a 25% set-aside for Native Hawaiians, that would come directly from the Indian Education Act, without the specific statement that this 25% would be above any current level of funding for the Indian Education Act.

For these reasons, NACIE recommends that the Congress provide specific, separate legislation that would provide for the unique educational needs of Native Hawaiians.

Appendix A
From NACIE 10th Annual Report, 1984, p. 7-8.

NACIE FUNCTIONS

The Council shall advise the Congress and the Secretary of Education with regard to programs benefiting Indian children and adults. More specifically, the Council shall:

1. Submit to the Secretary a list of nominees for the position of Director of Indian Education Programs;

2. Advise the Secretary of Education with respect to the administration (including the development of regulations and of administrative practices and policies) of any program in which Indian children and adults participate from which they can benefit, including Title III of the Act of September 30, 1950 (P.L. 81-874) and Section 810; Title VIII of the Elementary and Secondary Education Act of 1965 (as added by Title IV of P.L. 92-318 and amended by P.L. 93-380), and with respect to adequate funding thereof;

3. Review applications for assistance under Title III of the Act of September 30, 1950 (P.L. 81-874), Section 810 of Title VIII of the Elementary and Secondary Act of 1965 as amended, and Section 314 of the Adult Education Act (as added by Title IV of P.L. 92-318), and make recommendations to the Secretary with respect to their approval;

4. Evaluate programs and projects carried out under any program of the Department of Education in which Indian children or adults can participate or from which they can benefit, and disseminate the results of such evaluations;

5. Provide technical assistance to local educational agencies and to Indian education agencies, institutions, and organizations to assist them in improving the education of Indian children;

6. Assist the Secretary of Education in developing criteria and regulations for the administration and evaluation of grants made under Section 303(b) of the Act of September 30, 1950 (P.L. 81-874) as added by Title IV, Part A of P.L. 92-318;

7. Submit to the Congress not later than March 31 of each year a report on its activities, which shall include any recommendations it may deem necessary for the improvement of Federal education programs in which Indian children and adults participate or from which they can benefit, which report shall include a statement of the Council's recommendations to the Secretary with respect to the funding of any such programs; and,

8. Be consulted by the Secretary of Education regarding the definition of the term "Indian"

PREPARED STATEMENT OF SENATOR JOHN MELCHER

I AM PLEASED TO BE HERE THIS MORNING AS THE COMMITTEE TAKES TESTIMONY WITH REGARD TO S. 830, A BILL TO PROVIDE EDUCATIONAL OPPORTUNITIES TO NATIVE HAWAIIANS. IN APRIL, 1985 I INTRODUCED THIS BILL WITH SENATORS INOUYE AND MATSUNAGA IN RESPONSE TO THE REPORT OF THE NATIVE HAWAIIAN EDUCATION ASSESSMENT PROJECT.

THAT PROJECT WAS CREATED BY CONGRESSIONAL DIRECTIVE IN 1979 WHEN THIS COMMITTEE BEGAN TO EXPLORE WAYS TO IMPROVE EDUCATION FOR NATIVE HAWAIIANS. HEARINGS AT THAT TIME REVEALED THAT THE HAWAIIAN POPULATION HAD THE HIGHEST POVERTY AND UNEMPLOYMENT RATES AND THE LOWEST EDUCATIONAL LEVELS OF ANY OTHER ETHNIC GROUPS IN HAWAII. THE COMMISSION WAS CREATED TO ASSESS THE EDUCATIONAL NEEDS OF THIS GROUP AND ITS MARCH 1984 REPORT TO THE INDIAN AFFAIRS COMMITTEE CONCLUDED THAT THE EVIDENCE PRESENTED IN 1979 WAS ACCURATE: NATIVE HAWAIIANS RANK LOWEST OF ALL OTHER HAWAIIANS IN EDUCATIONAL AND INCOME LEVELS. THEY ALSO HAVE THE HIGHEST RATES OF INCARCERATION, A HIGHER EVIDENCE OF CERTAIN DISEASES AND A LOWER LIFE EXPECTANCY THAN OTHER ETHNIC GROUPS.

EDUCATION IS THE KEY TO THE SURVIVAL OF THE NATIVE HAWAIIAN PEOPLE, AS I LEARNED IN 1985 WHEN I MET IN HAWAII WITH REPRESENTATIVES OF NATIVE HAWAIIAN GROUPS. THE BILL WE ARE CONSIDERING TODAY WILL

RESPOND TO THOSE IDENTIFIED EDUCATIONAL NEEDS BY EXPANDING EXISTING EDUCATION PROGRAMS FOR AMERICAN INDIANS.

THE SIMILARITIES IN THE TWO NATIVE POPULATIONS -- INDIANS AND HAWAIIANS -- IS VERY GREAT. BOTH GROUPS HAD RECOGNIZED RIGHTS THAT WERE SUBSEQUENTLY ABROGATED BY THE FEDERAL GOVERNMENT AND BOTH GROUPS CONTINUE TO RANK VERY LOW ON SOCIAL AND ECONOMIC INDICES. THERE IS ALSO A TRUST RELATIONSHIP BETWEEN THE FEDERAL GOVERNMENT AND INDIAN TRIBES AND THE FEDERAL GOVERNMENT AND NATIVE HAWAIIANS.

EVERY YEAR, THE GOVERNMENT SPENDS BILLIONS ON AID TO OTHER NATIONS SO THAT CITIZENS OF THOSE NATIONS CAN HAVE A BETTER LIFE. WE DO NOT HAVE TO LOOK BEYOND OUR OWN BORDERS TO FIND PEOPLE IN NEED OF HELP. THIS LEGISLATION IS A SMALL STEP IN PROVIDING NATIVE HAWAIIANS THE EDUCATIONAL TOOLS THEY NEED TO HELP THEMSELVES AND I BELIEVE THE TESTIMONY WE WILL HEAR TODAY WILL BEAR OUT MY VIEWS ON, THIS SUBJECT.

069910.475 S.L.C.

99th CONGRESS
1st Session

S. ____,

IN THE SENATE OF THE UNITED STATES

Mr. Melcher and
Mr. Inouye (for himself and/Mr. Matsunaga)introduced the following bill; which was read twice and referred to the Committee on ____________________

A BILL

To provide financial assistance to community colleges and to Kamehameha Schools/Bishop Estate for demonstration grants designed to address the special needs of gifted and talented elementary and secondary school students who are Indian or Native Hawaiian, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the ''Native American Gifted and Talented Educational Assistance Act of 1985''.

STATEMENT OF PURPOSE

Sec. 2. It is the purpose of this Act to make demonstration grants designed to address the special educational needs of elementary and secondary school students who are Indian or Native Hawaiian.

DEFINITIONS

Sec. 3. For the purpose of this Act--

(1) the term ''elementary school'' has the same meaning given that term under section 198(a)(7) of the Elementary and Secondary Education Act of 1965;

(2) the term ''local educational agency'' has the same meaning given that term under section 198(a)(10) of the Elementary and Secondary Education Act of 1965;

(3) the term ''Indian'' has the same meaning given that term under section 4 of the Indian Self-Determination and Education Assistance Act;

(4) the term ''junior or community college'' has the same meaning given that term under section 322(a)(4) of the Higher Education Act of 1965;

(5) the term ''Native Hawaiian'' means any individual whose ancestors were natives of the area which consisted of the Hawaiian Islands prior to 1778;

(6) the term ''secondary school'' has the same meaning given that term under section 198(a)(7) of the Elementary and Secondary Education Act of 1965;

(7) the term ''Secretary'' means the Secretary of Education;

(8) the term ''State'' has the same meaning given that term by section 198(a)(16) of the Elementary and Secondary Education Act of 1965; and

(9) the term ''tribally controlled community

college'' has the same meaning given that term by section 2(4) of the Tribally Controlled Community College Assistance Act of 1978.

DEMONSTRATION GRANTS FOR GIFTED AND TALENTED ELEMENTARY AND SECONDARY INDIAN SCHOOL STUDENTS

Sec. 4. The Secretary is authorized to make grants to, and to enter into contracts with, junior or community colleges, including tribally controlled community colleges, for demonstration projects designed to address the special needs of elementary and secondary school students who are Indians.

DEMONSTRATION GRANTS FOR GIFTED AND TALENTED ELEMENTARY AND SECONDARY HAWAIIAN NATIVE SCHOOL STUDENTS

Sec. 5. The Secretary is authorized to make grants to, and to enter into contracts with, junior or community colleges and/or Kamehameha Schools/Bishop Estate, for demonstration projects designed to address the special needs of elementary and secondary school students who are Hawaiian Natives.

PROJECT ACTIVITIES AND CONDITIONS

Sec. 6. (a) Demonstration projects assisted under this Act may include--

(1) the identification of the special educational needs of gifted and talented children who are eligible for assistance under this Act,

(2) the conduct of educational activities which hold

reasonable promise of making substantial progress toward meeting the educational needs of such gifted and talented children;

(3) the use of public television in meeting the special educational needs of such gifted and talented children, such as utilizing the expertise of the Children's Television Workshop;

(4) leadership programs designed to replicate programs for such children throughout the appropriate area, including the dissemination of information on the demonstration projects conducted with assistance under this Act; and

(5) appropriate reasearch, evaluation and related activities pertaining to the special needs of such gifted and talented children.

(b)(1) No grant may be made and no contract may be entered into under this section unless an application is submitted to the Secretary in such form, in such manner and containing or accompanied by such information as the Secretary determines necessary to carry out the provisions of this section.

(2) Each such application shall be accompanied by the comments of each local educational agency which has students who are enrolled in the schools of such agency and who will participate in the project for which assistance is sought.

AUTHORIZATION OF APPROPRIATIONS

Sec. 7. (a) There are authorized to be appropriated $5,000,000 for the fiscal year 1986 and each of the three succeeding fiscal years.

(b) Of the sums available for each fiscal year $4,000,000 shall be available for grants benefiting elementary and secondary school students who are Indians under section 4, and $1,000,000 shall be available for grants benefiting elementary and secondary school students who are Hawaiian Natives under section 5.

Indian Education Act (Title IV, P.L. 92-318, as amended)

I. History

A. Kennedy Special Subcommittee: 1969 "National Tragedy - National Challenge" recommendations

1. comprehensive law
2. National Board of Indian Education

B. Title IV - Came from the Kennedy work. Introduced in 1971.

II. Characteristics

A. Generally, authorizes special programs for Indian children and adults under a broad eligibility definition.

B. Part A

1. Amendment to Title III of P.L. 81-874 (Impact Aid)
2. Authorizes entitlement payments to LEA's for programs to meet the special educational and culturally-related needs of Indian students.
3. Supports programs ranging from arts and crafts to tribal histories to home school coordinators.
4. Programs must be applied for and operated in conjunction with a parent elected parent committee; p.c. input varies.
5. Also provides payments to Indian tribal schools
6. Successful applications must only meet minimum requirements: not a competition for monies - money distributed on per capita distribution to all successful grants.

C. Part B

1. Amendment to Title VIII of ESEA
2. Authorizes special discretionary programs for Indian children, for teacher training, and for fellowships: grants are based on national competition among submitted proposals.
3. Eligible applicants include Indian tribes, Indian organizations, and Indian inutitutions, as well as, in several instances, SEA's and LEA's. Preference is given to Indian applicants, so non-Indian organizations effectively excluded.

4. Successful applications are chosen by field readers whose scores are "equalized" by computer: Grants are funded in order of ranking until funds are expended.

D. Part C

1. Amends the Adult Education Act
2. Authorizes special discretionary programs for Indian adults.
3. Eligible applicants include: SEA's and LEA's, Indian tribes, Indian organizations, and Indian Institutions
4. As in Part B, successful applications are chosen by field readers and computer.
5. Provisions for national competition, ranking and funding is the same as Part B.

E. Part D

1. creates the Office of Indian Education
2. authorizes salaries and expenses for OIE
3. Provides that it will be headed by a Deputy Commissioner (GS-18) chosen from a list of nominees provided by NACIE.
4. creates the National Advisory Council on Indian Education (NACIE).

F. Eligibility Definition

1. based on membership (or first or second degree descendency thereto) in:
   a. Federally recognized tribe, band or group
   b. Non-Federally recognized tribe, band or group
   c. Terminated tribes, band or group
   d. State recognized tribe, band or group.
   e. qualify for BIA services
   f. be an Alaskan Native
   g. be qualified by regs to be published by Secretary of Education (never used)

BIA Education (DOI)	FY 1983 (Approp.)	FY 1984	FY 1985 (Request)
School Operations	179,556	176,933	180,683
Johnson O'Malley Ed. Assist.	66,929	26,000	26,185
Continuing Education	51,658	52,821	53,243
Education Contract Support	------	------	13,340*
Total	298,143	255,754	273,451

*Contract support/indirect cost is being reflected for the first time in each of the program budgets instead of maintaining an overall contract support program budget.

Indian Education Act (ED)	FY 1983 (Approp.)	FY 1984 (Approp.)	FY 1985 (Request)
Part A	48.465	50.900	51.350
Part B	12.600	12.000	12.000
Part C	5.531	3.000	3.000
Admin.	2.589	2.880	2.430
Total	69.185	68.780	68.780

MEMORANDUM

TO: Senator Mark Andrews, Chairman
Senator John Melcher
and Members of the
Senate Select Committee on Indian Affairs

DATE: June 12, 1986

FROM: Ipolani Lung, Professional Staff Member

THRU: Peter S. Taylor, Staff Director
Max I. Richtman, Minority Staff Director

RE: Hearing on S. 830, A bill to amend the Indian Education Act and other acts relating to Indian Education.

Hearing on other possible legislative proposals to improve the quality of educational services to Native Hawaiians.

BACKGROUND

The islands that now compose the State of Hawaii were governed by a monarchy of Native Hawaiians until 1893. The Native Hawaiian government was recognized as an independent sovereign nation by foreign governments, and treaty relationships were established with the United States (Treaty of Friendship, Commerce, and Navigation of 1849; Treaty of Commercial Reciprocity, January 30, 1875). As a result of expanded trade with the United States, western influence in the islands increased, and in 1893, the government of Queen Liliuokalani was overthrown in an insurrection engineered by a group of western businessmen in an effort to secure the annexation of Hawaii to the United States. The United States minister in Hawaii ordered one company of marines and two companies of sailors to be landed, and the minister then recognized a new provisional government even before Queen Liliuokalani's lines of defense had surrendered. Although the provisional government sought immediate annexation by the United States, President Grover Cleveland refused to submit a treaty of annexation to the Senate finding that the provisional government lacked the popular support of the Native Hawaiian population and that the government would not have been established but for the lawless and unauthorized military intervention of the United States. Upon the inauguaration of William McKinley as the new President of the United States in 1897, however, the western businessmen that sought annexation were able to change the official U.S. position, and in 1898, Hawaii became a territory of the United States.

During the first two decades of the twentieth century, the already depressed economic conditions of the Native Hawaiians deteriorated further, and in 1920, the United States Congress legislated directly for the benefit of Native Hawaiians by enacting the Hawaiian Homes Commission Act, and establishing a land base for Native Hawaiians in order to encourage agricultural pursuits. The Act placed approximately 200,000 acres under the territorial government for the purpose of "rehabilitating" Native Hawaiians through a return to pastoral life. The Act also authorized the Commission to undertake "activities" having to do with the economic and social welfare of the homesteaders."

Hawaii was admitted to statehood in 1959, and the Admission Act transferred the title to the lands of the Hawaiian Homes Commission from the federal government to the state. The state was given administrative powers over the land in return for the state's acceptance of a trust responsibility for administering the lands. The Admission Act, however, retained authority in the Federal government to enfore the trust. The language of the Admission Act requires the state to hold the lands "as a public trust...for the betterment of the conditions of Native Hawaiians... and their use for any other object shall constitute a breach of trust for which suit may be brought by the United States."

In 1977, Congress amended the Comprehensive Employment and Training Act to include Native Hawaiians in the Indian Manpower Program administered by the Department of Labor (P.L. 93-203).

On May 30 and 31, 1979, the Select Committee on Indian Affairs held hearings on S.916, legislation providing education programs for Native Hawaiians. At these hearings the committee explored ways in which the education of Native Hawaiians could be improved and enhanced. The hearings revealed that Native Hawaiians, who comprise nearly 20 percent of the Hawaiian population, were at the bottom of almost every socioeconomic indicator. They had the highest rate of poverty, the highest rate of unemployment and the lowest level of education of any ethnic group in Hawaii.

S.916 was amended, reported by the Select Committee on Indian Affairs and then passed the Senate. It, however, was not acted upon by the House of Representatives because of opposition from many Indian education groups who feared funding losses. Congress, instead, established the Advisory Council on Native Hawaiian Education, to assess the education needs of Native Hawaiians.

In November 1981, the Senate Appropriations Committee directed the Department of Education to submit to Congress a comprehensive report on the status of education for Native

Hawaiians. Budget cuts terminated funding, however, the Kamehameha Schools/Bishop Estate, a private Hawaiian trust, underwrote the costs of the study and enabled its completion.

In March 1984, the results of this study entitled the Native Hawaiian Educational Assessment Project (NHEAP), were presented to the Select Committee on Indian affairs. This report, by the Department of Education and Kamehameha Schools/Bishop Estate, represented the most thorough review to date of the educational needs of Native Hawaiians. The report concluded that Native Hawaiians still rank lowest of all Hawaiian ethnic groups in education and income levels. These conditions are accompanied by high incarceration rates, high incidents of affliction by certain diseases and relatively low life expectancy.

The 98th Congress saw three distinct actions with respect to Native Hawaiians:

Carl D. Perkins Vocational Education Act and Library Services and Construction Act Amendments included Native Hawaiians with other Native American groups in sharing set-aside monies;

P.L. 98-396 directed Department of Health and Human Services to conduct a comprehensive study of health care needs of Native Hawaiians; and the

Conference Report 98-1132 authorized the Departments of Labor, Health, and Human Services and Education to give priority to Parent-Child Development Centers, health and mental health needs and Institutional Aid Programs in Higher Education for Native Hawaiians.

COST ESTIMATE

CBO reports that this bill will result in no additional cost.

OTHER LEGISLATION

H.R. 4124 is the companion bill in the House; it was introduced by Mr. Heftel (D-Hawaii). It is identical to S.830 except that it utilizes 16% instead of 25% as the Hawaiian program reserve.

There is also in the drafting stage a Senate bill that would create a demonstration program for gifted and talented American Indian and Native Hawaiian youth.

SECTION-BY-SECTION ANALYSIS OF S.830

Section 1. Section 1 amends the Indian Education Act's Special Educational Training Programs for teachers of Indian people, and stipends and allowances to recipients of traineeships and fellowships, by reserving 25 percent of appropriated funds from each program for organizations recognized by the Governor of Hawaii for the purpose of conducting and administering such programs for the benfit of Hawaiian natives.

Section 2. Section 2 amends the Indian Education Act by 1) changing the Departmental references from that of the Department of Health, Education, and Welfare, to the reconstituted Department of Education; 2) the Office of Indian Education is redesignated the Office of Native American Education; 3) substituting "Native Americans" for references to "Indians and Alaska Natives"; 4) substituting "Native American Education" for "Indian Education"; and 5) adding "the Governor of

Hawaii, to the group that provides nominees for appointment to the renamed National Advisory Council on Native American Education.

Section 3. Section 3 amends the definition section of the Indian Education Act to 1) substitute the phrase "Native American" for the term "Indian" where it appears in any section heading, part heading or title; 2) add "Hawaiian native" as a subcategory of Native American; 3) define "Hawaiian native" as a descendant of natives who occupied Hawaii prior to 1778; and 4) substituting "Secretary" for "Commissioner".

Section 4. Section 4 amends section 303 of the Indian Elementary and Secondary Assistance Act, and creates a 25 percent reserve from existing appropriations (Grants to Local Educational Agencies) for grants and/or contracts to agencies serving Native Hawaiians consistent with the purposes of the Title. Hawaiian native is defined identically to the definition in Section 3. Other amendments pertain to changing the term "Indian" to the phrase "Native American".

Section 5. Section 5 amends Section 1005 of Elementary and Secondary Education Act (Improvement of

Educational Opportunities) to create a 25 percent reserve from existing appropriations for grants and/or contracts under this section for the benefit of Native Hawaiians. Eligible recipient organizations are those recognized by the governor of Hawaii. Hawaiian natives are defined identical to Section 3. Other changes are: 1) substituting "Secretary" for "Commissioner"; 2) substituting "Native American Elementary and Secondary" for "Indian Elementary and Secondary"; and 3) substituting "Native American" for "Indian".

Section 6. Section 6 amends section 315 of the Adult Education Act (Grants for improvement of educational opportunities for adult Indians) and creates a 25 percent reserve from existing appropriations for grants and/or contracts for the benefit of Native Hawaiians consistent with the purposes of the section. Eligible recipient organizations are those recognized by the governor of Hawaii. Hawaiian natives are defined identical to Section 3.

Fond du Lac Education Division
105 University Road Cloquet, MN 55720
(218) 879-4593

JUN 30 AM 9 57

May 28, 1986

Mark Andrews, Chairperson
Select Committee on Indian Affairs
SH-838
Hart Senate Office Building
Washington, D.C. 20510

Dear Chairperson Andrews:

This letter is in response to the proposal changes in the Indian Education Act as introduced by Senate Bill 830 - author Senator Meilcher.

The proposed changes in the Indian Education Act will totally destroy the purpose and content of the Act. To note only a few proposed changes:

1. The amendment calls for a change like this "Native Americans" can mean any American born in the United States. As you can see this would open the funding to all individuals. Furthermore, the Indian Education Act was designed, proposed, and passed to assist American Indians individuals who meet the guidelines as stated in the law.

2. The amendment calls for 25% of the proposed money to be reserved for Hawaiians. This is a travesty, how can an individual like Senator Meilcher even suggest such a change and an allocation of funds when this Act (Indian Education Act) specifically states the money is for Indians. Furthermore, to suggest such a change with the appropriations for all programs including Indian Education are being cut.

With the passage of Senate Bill 830 Indian Education will no longer exist. If Senator Meilcher feels that the Native Hawaiians need legislation such as this then why does he not propose such legislation and have it stand on its own merit? Why does he have to destroy the Indian Education Act?

In closing I must state that the individuals who sign this letter are attached strongly to opposed to Senate Bill 830.

Megwetch,

Donald Wiesen
Director of Education
Fond du Lac Reservation
105 University Road
Cloquet, MN 55720

Michael Himango
Deputy Director of Education
Fond du Lac Reservation
105 University Road
Cloquet, MN 55720

Fond du Lac Education Division–Ojibway School

105 University Road Cloquet, MN.
(218) 879-4593 55720

RESOLUTION # 01-86

The Fond du Lac Ojiway School Board on behalf of the Fond du Lac R..C. and the Fond du Lac Lake Superior Board of Chippewa enacts the following resolutions:

WHEREAS, the Fond du Lac Reservation is a sovergnity, possessedof the jurisdiction and authority to exercise regulatory control within the boundries of the Fond du Lac Reservation, and

WHEREAS, it is the obligation of the Fond du Lac Reservation under the treaty of 1854 and PL 93-638, the Indian Self-Determination Act, to assume responsibilities of Self Government, and

WHEREAS, the Fond du lac Ojibway School Board is a duly appointed School Board, and

WHEREAS, it is the responsibility oof th School Board to respond in the best interest of the families and students of the Reservation, and

WHEREAS, Senate Bill 830 does not act in the best interest

NOW THEREFORE, be it resolved, that the Fond du Lac Ojibway School Board goes on record as strongly opposing Senate Bill 830.

We do hereby certify that the foregoing Resolution was duly presented and enacted upon by a vote of 5 for, 0 against a quorum of 5 being present at a regular meeting of the Fond du Lac Ojibway School Board held on June 2, 1986, at the Education Administration Offices, Fond du Lac Reservation.

Ferdinand Martineau, Chairperson

Kathy Lemie
Kathy Lelmer, Secretary/Treasurer

ALL BOARD MEMBERS:

Marlys A. Tilen
Dorothy McHugh
Vincent Martineau

DARRELL WADENA, PRESIDENT
NORMAN DESCHAMPE, VICE PRESIDENT

GEORGE V. GOODWIN, EXECUTIVE DIRECTOR
KENT P. TUPPER, LEGAL COUNSEL

DANIEL MORRISON, SECRETARY
HARTLEY WHITE, TREASURER

The Minnesota Chippewa Tribe
P.O. BOX 217 — CASS LAKE, MINNESOTA 56633 335-2252

July 9, 1986

The Honorable Mark Andrews, Chairman
Select Committee on Indian Affairs
United States Senate
Room 838, Hart Senate Office Building
Washington, D.C. 20510

Dear Mr. Chairman:

I am writing on behalf of the Minnesota Chippewa Tribe to express our opposition to S.830, to amend various provisions of the Indian Education Act to make native Hawaiians eligible for services under that Act.

S.830 proposes to substantially amend the Indian Education Act, and other Indian education Acts, to extend their provisions to the native Hawaiians, and further mandates that 25 percent of the funds appropriated for such Acts shall be reserved for the exclusive benefit of the native Hawaiians.

Mr. Chairman, the fundamental issue here is the propriety of amending Indian education statutes to include another ethnic group. In enacting the several statutes proposed to be amended by S.830, Congress took into consideration the unique political relationship that exists between the Indians and the United States Government as well as the need to authorize separate programs and services to address the serious educational needs of Indian children and adults. I might add further that the Indian Education Act was preceded by a careful and thorough Congressional investigation that provided for meaningful Indian input that influenced the substance of the legislation that was enacted into law.

I believe it is important to remind the Committee that the historical and legal relationship that exists between the Indians and the U.S. Government has its bases in several hundred treaties and agreements entered into between tribes and the United States, numerous statutes and judicial decisions and scores of official solicitor's opinions. Significantly, this relationship goes to the Constitution itself wherein Indians are identified in the

"Commerce Clause" (Art. 1, Sec. 8, Cl. 3). In our view this fact reinforces our political ties with the United States on a government-to-government basis.

Mr. Chairman, I do not profess to hold myself out as an expert on native Hawaiian/U.S. relations, but I am confident that such relationship has no legal bases to equate it with the relations that exist between the Indians and the U.S. Government.

The Minnesota Chippewa Tribe, therefore, reiterates its opposition to S.830 on the grounds that it seeks to include native Hawaiians (as a discrete ethnic group) in our unique relations with the U.S. Government that the Supreme Court has characterized as "political" in *Mancari* v. *Morton*, the landmark Indian preference case. We contend that enactment of S.830 would violate and dilute the Indians' relations with the U.S. Government. Moreover, the enactment of S.830 would establish bad public policy in the area of Indian Affairs. We urge the Committee to reject this measure.

We do not contest the assertions of native Hawaiians concerning their adverse socio-economic conditions. But in this regard, we urge the Congress to explore other legislative remedies to help these deserving people to achieve a higher quality of life.

In conclusion, I request that the Committee include my letter in the printed hearing record on S.830.

Sincerely yours,

Darrell Wadena
President

cc: Honorable John Melcher
Ranking Minority Member